Email
Correspondence
Dear Judge Cordell,
I completely understand your feelings about the BOS hiring a private consultant and the secrecy surrounding this. I understand you do not want to waste your time duplicating steps that may be taken by the private consultant. And I understand what I perceive to be your anger at the insult of asking you all to do for free something that the BOS is offering to pay another to do.

But I respectfully beg you not to quit.

My son is mentally ill and has been in and out of jail a lot in the last couple of years. He has told me again and again he is afraid of the guards, he believes they will kill him. He has told me this BEFORE Michael Tyree was killed. And honestly, I never believed him. Like Michael Tyree, my son’s time in jail has been primarily because he is waiting for a bed in a treatment program. I believe this Commission is the best chance for my son and all those others who are in his same situation to get the help that is so desperately needed. Your reputation for fairness, transparency, and experience with the justice system will guide the commission in a way that I don’t believe it will be under another’s guidance.

I know there are broader problems with the jail, but it is the issue of how the mentally ill are treated throughout the County system that concerns me most. Those of us who have loved ones in the mental health system are so emotionally tapped out we have little energy left for advocacy. I truly feel this commission is our first and best chance to force change. The media is paying a lot of attention, and now is the time.

Please don’t quit. Be firm and fierce and strong and lead us forward to a more hopeful life for those who are the most powerless.

You are such an important counterweight to those on the commission who may resist actual positive change. Regardless of what the BOS does, I hope you will fight with us against the very inequities that are now still being perpetrated. I see hiring the consultant as a means of the BOS trying to protect themselves. The Commission is for protecting the inmates, and even on a larger scale, the mentally ill.

As you know from history, is not personal experience, when many voices are raised at injustice change can happen. We need your voice!

Sincerely,
Dear Commissioners,

My son is mentally ill (dual diagnosis) and has been in and out of jail a number of times in recent years. I have always been grateful for his arrests because sometimes that is the only way to get help for him. But he has been increasingly insistent that he has felt his life is in danger when he is in jail, from the guards. Up until recently, I’ve never believed him. Now I do.

This is what we experience:

1. On the eighth floor inmates are isolated for about 23 hours a day. Some days they aren’t allowed out of their rooms at all. Even mental hospitals don’t isolate the patients. I can see doing it for the 24 or so hours until an inmate is stable (meaning not actively psychotic - I know true stability takes months) on meds, but after that it is not acceptable at all.

2. There are NO services. No 12 step meetings, group counseling sessions, or visits from a Chaplin. There is nothing! Families can send books, but it is expensive and often takes at least 2 weeks for the whole process (ordering books via Amazon, having them sent to Catholic Charities, and having them delivered to the jail) and often my son hasn’t been in jail that long. So then there is NOTHING but to stew in his own fears and anxieties.

3. If a family member can afford to pay a minimum of $20 (or $25 I can’t remember now) in advance the inmate might be allowed to call home collect. It costs about $3 a minute for phone calls. Or more. Money isn’t refunded if it isn’t all used.

4. The phones weren’t working in the visiting area on the 8th floor for weeks. Although the guard who ran the elevator knew it, and mentioned it, and other guards knew it, it appeared nothing was done to repair the situation. Visitors had to yell through the glass. When I complained to John Hirokawa and this was his response (via email):

"During the weekend, Main Jail staff on the 8th floor checked all of the visitor phones. Staff asked the visitors if they could hear on their side of the room. Staff determined all phones were in working order.

After speaking with staff, inmates will lock themselves out of the visiting phone system. Staff believes you may have experienced this problem. An inmate may improperly enter the wrong personal pin number and subsequently be locked out of the phone system. The system has an auto lock after 3 attempts. However staff at times allows the visit to continue even though people have to use raise voices and talk through the window. Although this is not good practice, it is better than canceling the visit."

At the time my son was in jail, I promise you there was NO concern when the phones weren’t working, and the staff did acknowledge they weren’t working. Nothing was said about the phones locking.
5. Usually a mentally ill inmate is in jail waiting for a bed in a treatment program. Sometimes the wait takes months. During this time they are kept totally alone with their thoughts, their anxieties, and their fears. Many of the guards are bullies and keep the inmates in a constant state of fear.
(I’ve experienced this directly, when I’ve attempted to visit my son. Some guards even enjoy bullying 68 year old women like myself. They are always polite. Always say “ma’am” when they speak to me. But they know they have all the power, and enjoy exercising it.)

When an inmate is released there is no coordination with the family or social workers. So it isn’t unusual for an inmate to be released to a program and then once out, there is no bed for them after all. My son has been released in nothing shorts and a tee shirt (since it was warm when he was arrested) and it’s very cold, and the program couldn’t take him, his social worker was unavailable and he had no place to go… so all that good gained from being sober and on his meds for whatever amount of time is immediately put in jeopardy.

OR… if there is no program for them they are also often released in the middle of the night. Often around 2 a.m. No busses are running, no money, often not appropriate clothing for the nighttime weather, and often no place to go. They are being set up to fail.

How is any of this humane? How does this get people out of the revolving door of constant re-incarceration? And how, from a mother’s point of view, does this keep my beloved son safe?

MY CONCLUSION: An inmate would not have been murdered on the 8th floor if there weren’t hundreds of smaller incidents of abuse and neglect that led to this terrible situation. It feels the way institutional racism or slavery must feel: we have no power, nowhere to turn and no advocates who have the same or greater power over the jail overlords.

POSSIBLE SOLUTIONS:

1. The day a mentally ill person is arrested his/her social worker and a family member should be notified and given contact information for (the as yet nonexistent) outside agent who will see that inmates are treated humanely. If family members have concerns we need someone to complain to. If there has been such a person I’ve never once been informed of that in the 25 years we’ve gone through these continual problems. And trust me, I’m on the phone to the jail social worker, to every single person I can find or know of. I am involved (some say too much) and I’ve never been told of any resource like this. (The jail social worker, Nan, is pretty wonderful most of the time. But I’m sure way overworked and with little authority, I imagine.)

2. If someone has to stay in jail instead of getting into a treatment program - have programs in the jails! But the mentally ill do not need to be jailed! They need treatment!

3. Santa Clara County has NOT ONE SINGLE dual diagnosis treatment program. We need many! We need live-in programs with enough beds, and enough time, (I believe it would take a year, at least) for people who are dually diagnosed to get not just marginally stable but actually functional with a plan for what they will do when they graduate…. (I’d bet more beds in treatment programs would clear out the jails by a huge margins.)

4. But then where do they go? Have any of you dropped in unannounced to an “independent living” house? These are unbelievably horrible. Humans shouldn’t live like this. $800 a month for a shared room in a house with 12 - 14 other people often not enough food and the kitchen locked so no fixing anything for themselves. Often the food is prepared elsewhere and delivered so it isn’t even fresh/hot. Washer and dryer locked up, no supervision, drugs and alcohol everywhere. Residents have to supply their own toilet paper (and other toiletries) and people are stealing from one another, the yards are often filled with garbage, the rooms are hell holes.
5. So… There must be regulations and inspections for group homes. Places where the police come weekly - or daily - need to be shut down. There needs to be affordable living situations (in other words something their social security can cover) for the mentally ill that allow them dignity, and some independence but still has some support for medication reminders. Ideally a place that allows a person to have a small private space, where they can have a small pet perhaps - since companion animals really help people with anxiety and depression - and maybe where there is responsibility for keeping the place clean, for planning meals and cooking communally. How about places where there is a back yard garden to provide fresh veggies and fruit for the home? I believe responsibility is very important! How can you like yourself when you live under the care of others with no “job” at all?

To sum up: SPEND MONEY ON TREATMENT PROGRAMS AND SAFE LIVING ENVIRONMENTS. There will be many less people in jail if this is done. And I bet it costs less to offer treatment than to put people in jail.

1. An in jail resource person. No isolation, in jail programs and a quick turnover because there are more treatment beds.
2. A plan that actually is followed upon release (and that includes family member input prior to release.)
3. Many more beds in treatment programs including Dual Diagnosis programs.
4. Safe secure dignified housing.

Respectfully,
Attached is a letter encouraging Judge Cordell to remain as the Chair of the Blue Ribbon Commission on Improving Custody Operations.

Please acknowledge the receipt of this letter and its delivery to Judge Cordell.

Thank you,
Dear Judge Cordell,

Last evening I attended, as a listener, the Public Forum for Friends & Families of Inmates, hosted by the SCC Human Relations Commission. I assume that the testimonies offered there will be shared with the Blue Ribbon Commission as well as the Board of Supervisors. I was discouraged, however, to recognize just two Blue Ribbon Commissioners in attendance.

By my count, nearly three dozen people, mostly family members, offered the most horrifying testimony of guard beatings, taunting, reprisals, and apparent lack of accountability and oversight. Testimonies included accounts of week-long withholding of medical attention, inmates being kept naked for days on end, and inmates declining psychotropic medication for fear of its use being used against them during their trial. Families recounted years-long waits for trial while their loved ones endured isolation, in housing conditions that, outside of jail, would be instantly deemed a public health hazard, and barred from occupancy.

The parade of family members and inmate advocates I heard last evening was heart-breaking. But more than this, it absolutely convinced me that there is no issue – whether prior consultant recommendations or Grand Jury reports that have been acknowledged then ignored, or secret, potentially duplicative investigatory consultants – that can trump the unjustified and inhumane suffering happening in our jails.

Although I applied to be seated on the Blue Ribbon Commission, I have no “skin in the game,” either as a former inmate or incarcerated family member. But I truly believe that this commission is our county’s best chance for forcing real, comprehensive, positive lasting change in how our jails are operated. Nothing should compromise or derail this opportunity.

Therefore I urge you, Your Honor, to please lay aside whatever personal or professional concerns you may have that relate to this commission, its purpose, the Board, or other investigations, and rather to get on with the critical business that all of your fellow commissioners have committed themselves to.

But as important as their commitments are and your concerns may be, I believe that they are superseded by this moment to truly address the desperation I witnessed last evening. If not us, who? If not now, when?

With respect,
Hi, I sent these before but they may not have been received.
Here you go.
Gail Price
When did prisons become acceptable mental healthcare facilities?

Co-Published by:

California State Senate pro Tem, Darrell Steinberg
Stanford Law School Professor, David Mills
Stanford Law School Three Strikes Project Director, Michael Romano
Introduction
Senator Darrell Steinberg and Professor David Mills

We can no longer ignore the massive oppression we are inflicting upon the mentally ill throughout the United States. Over a century ago, Dorothea Dix began a movement to improve the deplorable conditions of mentally ill prisoners. Despite her success in changing the country's perception and treatment of the mentally ill in prison, we are now right back where we started in the nineteenth century. Although deinstitutionalization was originally understood as a humane way to offer more suitable services to the mentally ill in community-based settings, some politicians seized upon it as a way to save money by shutting down institutions without providing any meaningful treatment alternatives. This callousness has created a one-way road to prison for massive numbers of impaired individuals and the inhumane warehousing of thousands of mentally ill people.

We have created conditions that make criminal behavior all but inevitable for many of our brothers and sisters who are mentally ill. Instead of treating them, we are imprisoning them. And then, when they have completed their sentences, we release them with minimal or no support system in place, just counting the days until they are behind bars once again. This practice of seeking to save money on the backs of this population comes with huge moral and fiscal cost. It is ineffective because we spend far more on imprisonment of the mentally ill than we would otherwise spend on treatment and support. It is immoral because writing off another human being's life is utterly contrary to our collective values and principles.

The numbers are staggering: over the past 15 years, the number of mentally ill people in prison in California has almost doubled.¹ Today, 45 percent of state prison inmates have been treated for severe mental illness within the past year. The Los Angeles County Jail is “the largest mental health provider in the county,” according to the former official in charge of the facility.²

¹ In San Francisco County Mental Health Court, prosecutors, defense attorneys, and judges work collaboratively to design treatment plans for mentally ill defendants. Photo courtesy of Loteria Films.
California was at the forefront of the spiral towards imprisonment rather than treatment, when it turned its back on community based mental health programs. As usual, what started in California spread throughout the country. In 1971 there were 20,000 people in California prisons; by 2010 the population had increased to 162,000 people, of which 45 percent are estimated to be mentally ill. We in California now have an opportunity to lead again—this time to show that there is a better approach. We can begin a counter-revolution by setting a new standard for how we deal with people whose mental illness manifests through criminal activity. We will prove to the country that there is another, better approach—an approach that saves money and saves lives from being forsaken.

The population of mentally ill inmates in CA prisons has almost doubled since 2000.

The mentally ill who fill our prisons range from the violent to the nonviolent, and from those who were born with disabilities to those who have been damaged by circumstances and environment. According to a recent report from the National Sheriff’s Association and Treatment Advocacy Center, ten times as many mentally ill people are in prison and jail in America today than are in mental health treatment facilities. The problem is not only that many mentally ill people—left with no support and limited resources—tend to commit crimes (including those associated with homelessness and addiction). The problem is also that once they are in the system, they tend to be subjected to far harsher sentencing than others for the very same crimes. This may be born of a conscious sense that judges have that society is providing no meaningful “treatment” other than imprisonment. Or it may grow out of a subconscious animus or fear of those who are different in any way. Whatever the source, though, the effect is the same: despite rules of court in California designed to mitigate punishments for mentally ill offenders, the average sentence imposed on defendants suffering from mental illness is longer than the average sentence imposed on defendants who do not have mental health diagnosis but who committed the same crime. Unfortunately this is true across every category of crime in California. For example, the average sentence for burglary imposed on mentally ill defendants is 30 percent longer than the average sentence for non-mentally ill defendants convicted of the same crime.

The story grows darker still. When it comes time to be considered for release, once again the mentally ill fare miserably. For example, the number of mentally ill prisoners denied relief under new resentencing laws enacted under Proposition 36 is three times greater than the number of non-mentally-ill prisoners who have been denied relief.

Mentally ill offenders receive longer sentences than non-mentally ill offenders across all felonies.
And once those suffering from mental illness are released—having served longer sentences—the system delivers the ultimate knockout blow. We provide virtually no effective mental health facilities and programs to help released prisoners who are in desperate need of mental health treatment. This service deficit naturally results in higher recidivism rates and an ongoing sense of social isolation and abandonment. And the cycle then begins again with new arrests, new prosecutions, new lengthy sentences, new impediments to release, and eventual release into a system that provides nothing but an inevitable, tragic trajectory back into the criminal justice system. This cycle is as truly appalling as it is truly avoidable.

The cascade, which began so long ago, has created a new segregation—the segregation of the sick, the infirm and the helpless (many of whom are also people of color, almost all of whom are extremely poor). Not unlike other practices of segregation in our nation’s history, this segregation is also hidden from the general public behind the walls of our prisons and jails. But this time it is not occurring in the form of slavery on individual farms and homes—today it is occurring behind the bars of prison cells.

From time to time there have been efforts to expose this disaster but, until now, bold proposals for solutions have been lacking. We have seen periodic criticism, but no serious desire or determination for change. We, in California, can and will do better. Today, we jointly offer three modest but significant proposals to start us on the path of compassionate, fair and cost-effective solutions to the crisis we face:

1. Reform the Way We Sentence the Mentally Ill: We propose that all new sentences take into account the mental health of each defendant and, where appropriate, provide a non-prison sentence for any defendant charged with a nonviolent crime/nonserious offense. This new sentencing would apply when the sentencing judge finds that the defense has shown by a preponderance of the evidence that the crime was likely committed as a result of the defendant’s mental illness. Under such a circumstance, the defendant will be sentenced to mental health treatment and monitoring in a non-custodial setting. We propose to provide funding for mental health treatment for these defendants throughout the State. The cost of such treatment is significantly less than the cost of incarceration.

2. Provide Meaningful Treatment in Prison: We propose that when a sentencing judge finds (a) that a defendant’s serious offense was caused in large part by his mental illness, or (b) that a defendant who committed a nonserious offense needs to be incarcerated due to the danger to himself or others, the judge will order the provision of meaningful mental health services as part of the terms and conditions of incarceration. These mental health services, although overseen and provided by the Bureau of Prisons, will nevertheless be reviewed from time to time by a special Mental Health Prison Oversight Court, which will be set up to assure that proper mental health services are being provided to each incarcerated defendant. This special court will be made up of judges and mental health professionals who will work together to

Mentally ill inmates represent 45% of the total California prison population.
fashion and oversee the treatment of incarcerated prisoners in need of mental health services. This new Mental Health Prison Oversight Court will provide initial sentencing recommendations to trial court judges who request the court’s input. Following a defendant’s sentencing, the new court will have authority to oversee the mental health treatment of the incarcerated defendant, and will be empowered to order changes to the treatment plan that the court deems appropriate. This is a bold new proposal to integrate the independence of the prison system with the oversight of a special court as part of the judiciary. We recognize the problems and challenges of implementation, but we are confident that the goodwill and creative cooperation of all concerned will allow for the implementation of this change.

3. Continue Meaningful Treatment After Prison:
Finally, we propose that all prisoners, prior to release, be evaluated for post-release mental health needs and, where appropriate, be referred to mental health centers for the ongoing provision of mental health care. These new mental health centers will be located throughout the state and will have access to the mental health records of the released prisoners, recommendations for appropriate post-release mental health care, and the funding needed to provide the recommended services for at least one year following release. As indicated above, providing these services will more than pay for itself in terms of costs saved by avoiding the extraordinary (financial and human) costs of incarceration.

We are proud that a new era marking the end of “sentencing for vengeance” and transforming the goal of being “tough on crime” with the goal of being “smart on crime” has begun to take hold. We are proud that the voters and policymakers are growing in their willingness to separate true criminals from those whose actions are not driven by aggression, violence or ill-intent. We are hopeful that the concept of vengeance is no longer being treated as the sole or primary focus of criminal sentencing, but is instead being treated as only one of several factors (including individual culpability and rehabilitation) that inform a just sentence. But amidst these positive changes, we must not ignore one of the great persistent injustices of modern criminal law: not only are poor people and people of color disproportionately imprisoned, but a dominant root cause of much criminal activity is mental illness. While the solution to that challenge of poverty or insidious discrimination is not easily in our grasp, we do have the readily available and affordable tools to help address the role that mental illness plays in criminality. Our report and modest proposals are an important first step towards that goal.

A note on methodology:
Unless otherwise specified in this report, all of the data reported herein was provided by the California Department of Corrections and Rehabilitation (“CDCR”) and analyzed at Stanford Law School. The data reflects the California prison population as of March 5, 2014.

This report defines “mentally ill prisoner” as an inmate suffering from a serious mental illness, as diagnosed by the prison Mental Health Delivery System, within the past year. This definition best corresponds to the definition used by the United States Department of Justice in its national survey of mental health in prisons and jails referenced throughout this report.
A Brief History Of Deinstitutionalization In California

In the early 1950’s California was the vanguard of a significant transformation of the nation’s mental health system. This transformation resulted in a shift from a state-operated public mental health system to a decentralized system of care, accompanied by major changes in the funding relationship between state and local governments with regard to mental health services delivery. This transfer from state to local control, known as “deinstitutionalization,” was accompanied by a sharp increase in California’s state prison population—most notably, the population of mentally ill inmates.

Prior to 1957, mental health services were delivered by a state operated and funded institutional system, which included fourteen hospitals. Eight of these hospitals served the mentally ill, four cared for the developmentally disabled, and two served both populations.

In 1957, the California legislature passed the Short-Doyle Act in response to the growing number of the mentally ill being confined in public hospitals. The Act, which provided state funds to local mental health service delivery programs, was developed to address concerns that some mentally ill individuals were better served by local, outpatient services rather than 24-hour hospital care. Lawmakers believed that local programs would allow the mentally ill to remain in their communities, maintain family ties, and enjoy greater autonomy. When first enacted, the Short-Doyle Act provided state funding for 50 percent of the cost to establish and develop locally administered and controlled community mental health programs.

In 1968, the legislature passed the Lanterman-Petris-Short Act, which further reduced the population of state mental health hospitals by requiring a judicial hearing prior to any involuntary hospitalization. The Act also initiated increased financial incentives for local communities to take on the provision of mental health services.

As a result of this long-term transfer of state operation and oversight to a decentralized, community-based mental health care delivery model, the state mental hospital population declined from 36,319 in 1956 to

The incarceration rate in California skyrocketed when funding was pulled from its state mental hospitals.

1957: Short-Doyle Act begins defunding state mental health hospitals.
1968: Lanterman-Petris-Short Act imposes restrictions on involuntary hospitalization for the mentally ill.
2009: Federal Court rules in favor of class-action of mentally ill prisoners holding that California prisons are unconstitutionally overcrowded.
Between 1967 and 1975, Governor Ronald Reagan slashed funding to mental hospitals leading to a dramatic decline in the number of mentally ill individuals being treated in the hospital setting.

8,198 in 1971.4 Three public mental hospitals closed during this time period. The legislature intended for the savings from these closures to be distributed to community programs. However, in 1972 and 1973 then-Governor Ronald Reagan vetoed the transfer of these funds. Between 1974 and 1984, the funding of community mental health programs was in constant flux, with many counties lamenting local mental health service gaps due to lack of sufficient funding.

The shift from state to local services was unexpectedly accompanied by a sharp increase in the population of the mentally ill within California’s criminal justice system. In 1973, hearings were held by the California State Senate to discuss this concern. In 1980, a study published in the American Journal of Orthopsychiatry concluded that emptying the public mental health hospitals had “forced a large number of these deinstitutionalized patients into the criminal justice system.”5 Two other studies published in 1982 and 1983 by researchers at the University of Southern California indicated that the problem was only getting worse.6

Today, according to a recent survey of public mental health services issued jointly by the National Sheriffs' Association and Treatment Advocacy Center, “[in California] there are almost no public psychiatric beds available for individuals with serious mental illnesses.”7
EXPERT ANALYSIS: The Tragic Case Of Mentally Ill Prisoners In California
Craig Haney

Treatment of the mentally ill in the United States is in a state of crisis. The mentally ill in this country are far more likely to be treated in jail or prison than in any healthcare facility. Presently, the United States incarcерates an estimated 350,000 prisoners who suffer from serious mental illness, almost 10 times the number of persons housed in the nation’s psychiatric hospitals. In California alone, there are over 30,000 seriously mentally ill prisoners presently confined in state prison, as compared to fewer than 6,000 persons in state psychiatric hospitals, making CDCR the de facto mental health treatment provider in the state. Although litigation-related reforms have resulted in a significant overhaul of prison mental health services provided by the CDCR, mental health care in prison still falls well below minimal constitutional standards in many important respects.

Prisons and jails are singularly ill-suited to house the mentally ill. Premised on punitive forms of social control, prisons are not remotely compatible with the kind of supportive therapeutic milieux that the mentally ill require. They are austere and intimidating environments that are painful and difficult for even the strongest and most resilient prisoners to withstand. The pains of imprisonment—severe material deprivations, highly restricted movement and liberty, lack of meaningful activity, a nearly total absence of personal privacy, high levels of interpersonal uncertainty, danger, and fear—are powerful psychological stressors that can adversely impact a prisoner’s well-being.

Not surprisingly, these stressful conditions take a greater psychological toll on mentally ill prisoners. They are especially sensitive to the unique stresses and

Mentally ill individuals are much more likely to experience factors that contribute to an increased risk of committing crimes.

![Graph showing comparison between mentally ill and non-mentally ill individuals on various factors such as homelessness, physical abuse, and substance abuse disorders.]

traumas of prison life, and their psychiatric conditions often deteriorate as a result. Their vulnerabilities place them at great risk to be victimized—for example, they are much more likely to be sexually assaulted than other prisoners. Some prisoners react to the extreme psychic stresses of imprisonment by taking their own lives. Tragically, rates of suicide inside prisons and jails are much higher among the mentally ill.

Behavioral problems that are associated with their psychiatric conditions also place the mentally ill at greater risk of committing rule violations, which typically result in the imposition of harsh disciplinary sanctions. Thus, largely because of their psychiatric illness, mentally ill prisoners are significantly more likely than other prisoners to be housed in punitive segregation units where they are subjected to solitary confinement and other severe deprivations. Extensive research has documented the range of adverse symptoms that have been consistently observed in prisoners in solitary confinement, including appetite and sleep disturbances, anxiety, panic, hopelessness, depression, rage, loss of control, paranoia, hallucinations, self-mutilations, and suicidal ideation. For those with a preexisting mental illness, psychiatric symptoms often worsen. Most punitive isolation units are operated in such a way that it is virtually impossible for mentally ill prisoners to receive adequate, effective treatment there.

At the other end of the spectrum—and particularly relevant in California—studies have shown that overcrowding greatly amplifies the stressfulness of prison life. Crowded conditions heighten the level of stress that persons experience by introducing social complexity, turnover, and interpersonal instability into an already dangerous prison world. Prison and jail settings are fraught with special dangers for vulnerable persons who cannot master the complex, and frequently violent, social dynamics of prison life.

Like most people incarcerated in prisons and jails throughout this

---

The CDCR has four levels of mental health treatment designation, ranging from long-term to emergency treatment.

<table>
<thead>
<tr>
<th>Level of care</th>
<th>Description</th>
</tr>
</thead>
</table>
| Correctional Clinical Case Management System (CCMSS) | • Lowest level of mental health care  
• Treatment for “serious mental illness,” according to certain DSM Axis I diagnoses (e.g. schizophrenia, psychotic disorder, bipolar disorder, major depressive disorder)  
• Prisoners stable with treatment  
• Treatment includes medication, individual and group therapy |
| Enhanced Outpatient Program (EOP) | • Segregated housing  
• Treatment for acute onset or significant decompensation with symptoms including delusional thinking, hallucinations, vegetative affect  
• Global Assessment Score less than 50  
• Treatment includes medication, individual and group therapy, at least 10 hours per week of structured therapeutic activities |
| Mental Health Crisis Bed | • Inpatient psychiatric care, with 10-day maximum stay  
• Continuous therapeutic assistance to inmates-patients whose condition requires 24 hours or more to achieve stabilization  
• Danger to self or others  
• Global Assessment Score less than 20  
• Treatment to control and alleviate symptoms with emergency medication if necessary |
| Inpatient at Dist. Mental Health Intermediate and Acute Care | • Acute exacerbation of a chronic major mental illness, marked impairment, and dysfunction in most areas (i.e. daily living activities, communication and social interaction)  
• Highly structured in-patient psychiatric care with 24-hour nursing supervision  
• Danger to self or others  
• May require neurological/neuropsychological consultation  
• Anticipated discharge within 30-45 days |
country, most mentally ill inmates will eventually be released back to the community. Because the state fails to provide many mentally ill prisoners with adequate mental health treatment, and subjects many of them to harsh forms of isolation, where their psychological conditions may have worsened, they confront special challenges when they are released back into free society. As a result, they are at greater risk to recidivate and return to prison. Yet, according to a recent study in The Lancet, the mentally ill are substantially less likely to commit a violent crime if taking appropriate psychiatric medication.  

These are very serious, complex, and long-standing problems that will require the implementation of a wide range of significant reforms in order to be solved. Although the vulnerabilities of mentally ill prisoners are manifested most clearly in prison, meaningful solutions must also come from beyond the prison walls. To be sure, it is critically important for the CDCR to continue to improve the quality of its mental health services to comply with constitutional mandates, and to end the practice of placing mentally ill prisoners in punitive isolation. But other critical criminal justice reforms are also necessary. These kinds of reforms require the development of a wide range of new programs: before, and in lieu of imprisonment; during imprisonment, for those mentally ill prisoners who cannot be diverted; and after imprisonment, as prisoners reintegrate into the community. They also require the training of key criminal justice personnel—attorneys, judges, correctional officers, and probation and parole officers—on the unique psychiatric needs of their clients. And they require the kind of sustained public and political attention, pressure, and resources necessary to bring them about.
The Promise Of Mental Health Courts In California

Mental health courts are a relatively recent phenomenon and one of many initiatives launched in the past two decades to address the large numbers of people with mental illness involved in the criminal justice system. There are currently approximately 40 mental health courts in 27 counties in California. These courts should be expanded throughout the state to cover every defendant charged with a nonviolent offense as a result of mental illness.

A cost benefit analysis reported by Pew Charitable Trust and the MacArthur Foundation found that every $1 spent on one state’s mental health court system resulted in $7 in incarceration savings. In California, the annual prison cost for an inmate in the general population is $51,000, while the annual community housing and outpatient treatment costs for persons with mental illness is $20,412.

In 2006, Santa Clara County estimated that its mental health court saved the state and county $20 million through reduced prison and jail sentences. Sacramento County courts experienced an 88 percent decrease in the cost of serving mentally ill clients through its mental health court, as compared to serving those same clients in the traditional court system. Similar savings were realized in the mental health court operated in San Francisco County. Recognition of these positive fiscal outcomes has led to the expansion of mental health courts in New York, Michigan, Washington and South Carolina.

In California, mental health courts are administered by county Superior Courts, which provide a separate docket for persons charged with nonviolent crimes who have been diagnosed with a mental illness. These courts involve collaboration between criminal justice and mental health professionals, and generally offer judicial supervision of required mental health treatment and other services in lieu of jail time.

The social and public health benefits of mental health courts are also clear. The focus on early intervention allows offenders access to treatment prior to appearing before a mental health court. These offenders are more likely to stay in treatment than those whose cases are handled by a traditional court. Mental health court participants also demonstrate significant improvements in functioning and quality of life, reductions in psychological distress, and amelioration of drug and alcohol problems. Studies also indicate that mental health courts reduce recidivism among mentally ill offenders. In Michigan, the State Administrative Corrections Office evaluated ten mental health courts and found that participants re-offended at a rate 300 percent lower than non-participants.

Thus, the cost savings and public benefits that mental health courts provide through drastically reduced recidivism, early and less expensive intervention measures, and an overall reduction in crime demand their expansion in California.
LORENZO’S STORY

According to his mother, Lorenzo was a typical boy growing up in California. He enjoyed helping around the house and playing with his friends. But around the age of ten or eleven, Lorenzo’s mother noticed a change in him. He stopped spending time with his friends and began spending more and more time alone.

His mother thought it might just be typical pre-adolescent changes until she came home one day and Lorenzo asked her, “Do you hear them? They’re trying to get me!” Her first worry was that Lorenzo had begun to use drugs, so she immediately took him to the emergency room for an evaluation. That’s when Lorenzo was diagnosed with schizophrenia.

Over the next two decades, Lorenzo’s illness drove him to the streets where he committed petty thefts in order to survive. He spent a great deal of time in and out of jail for these offenses, but never got the treatment he needed for sustained improvement.

All of that changed when he became a participant in San Francisco’s mental health court. There, working with a team of mental health practitioners and court and law enforcement officials, Lorenzo was given the resources and compassionate oversight he needed to address and manage the symptoms of his mental illness. He has been a model participant in the court and is now in school to become a medical technician.

Lorenzo’s mother had been praying 26 years for some relief for Lorenzo from the cycle of mental illness, homelessness and incarceration. Now, she has her son back.
Mentally Ill Inmates And The Crisis Of Prison Overcrowding

In 2011, the United States Supreme Court issued its landmark opinion affirming a lower court decision that crowding in California’s prisons had reached unconstitutional levels and ordering the state to reduce its prison population to 137.5 percent of design capacity.17

The case began two decades earlier, in 1990, with a class action suit brought in the United States District Court on behalf of mentally ill prisoners, who brought to light deplorable conditions and medical neglect within California’s prisons, amounting to a deprivation of constitutional rights and a violation of the ban against cruel and unusual punishment. In 1995, following a 39-day trial, District Court Judge Lawrence Karlton found “overwhelming evidence of the systematic failure to deliver necessary care to mentally ill inmates” who, among other illnesses, “suffer from severe hallucinations, [and] decompensate into catatonic states.” Judge Karlton appointed a special master to oversee implementation of a remedial plan. Yet the situation continued to deteriorate, according to periodic reports from the special master.

Late last year, a special three-judge panel overseeing the litigation ordered the state to meet the prison population cap set by the Supreme Court in 2011. At the request of Governor Jerry Brown, this February, the three-judge panel granted the state a two-year extension to comply with the prison population reduction plan. In granting the extension request, the panel of judges required the state to implement certain immediate measures, such as expanding reentry support programs, providing additional “good time” credits to certain inmates, and implementing new parole rules, including developing a new parole process based on Proposition 36 for some nonviolent “second strike” inmates.

Prison dorm unit, which houses mentally ill prisoners, California Institute for Men (2013).

The percentage of prison inmates exhibiting symptoms of mental illness is exponentially higher than that of the non-inmate population.

<table>
<thead>
<tr>
<th>Mania Disorder Symptoms</th>
<th>Major Depressive Disorder Symptoms</th>
<th>Psychotic Disorder Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of all state prison inmates experiencing symptoms within the past 12 mos.</td>
<td>43.2%</td>
<td>23.5%</td>
</tr>
<tr>
<td>Percentage of persons age 18 or older in U.S. population experiencing symptoms in past 12 mos.</td>
<td>1.8%</td>
<td>7.9%</td>
</tr>
</tbody>
</table>

Mentally ill inmates experience significantly higher rates of prison discipline, and are twice as likely to be injured in a prison fight than non-mentally ill inmates.

<table>
<thead>
<tr>
<th></th>
<th>Prisoners with Mental Illness</th>
<th>Prisoners without Mental Illness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charged with prison rule violation</td>
<td>57.7%</td>
<td>43.2%</td>
</tr>
<tr>
<td>Injured in a prison fight</td>
<td>20.4%</td>
<td>10.1%</td>
</tr>
</tbody>
</table>


This April, Judge Karlton revisited the treatment of mentally ill prisoners and in a 75-page opinion found that the state’s supervision and disciplinary procedures for mentally ill prisoners remains unconstitutional. Judge Karlton determined that the state prison system had still not adequately addressed the issues raised in his 1995 opinion and that the prison system continues to use punitive measures, including solitary confinement, to control symptoms of mental illness. Judge Karlton denied the state’s request to end federal oversight of the treatment of mentally ill prisoners in California, ordered new remediation measures, and directed the special master to report on the state’s progress within six months.
The Mistreatment Of Mentally Ill Prisoners Under “Three Strikes”

A disproportionate number of inmates sentenced to life in prison under California’s “Three Strikes” sentencing law are mentally ill. Prisoners sentenced under the Three Strikes law are roughly twice as likely to be mentally ill as other California prisoners. California law needs to be clarified by courts and the legislature, if necessary, to ensure that a defendant’s illness is not used to justify longer imprisonment in any context. The problem is particularly acute in the Three Strikes context.

In some ways it is not surprising that a disproportionate number of Three Strikes prisoners are mentally ill. Compared to defendants without mental health problems, mentally ill defendants have a higher rate of homelessness and drug addiction, often have difficulty contributing to their own defense, and, as discussed elsewhere in this report, generally receive longer sentences than other defendants for the same crimes. The lack of public mental health treatment resources contributes to recidivism by the mentally ill, who eventually become subject to life sentences under the Three Strikes law. Improved public mental health services, particularly residential treatment programs for released prisoners reentering the community, will help address this problem.

In 2012, 70 percent of California voters enacted Proposition 36 to provide an opportunity for inmates sentenced to life under the Three Strikes law for non-serious, non-violent crimes to petition for early release. To date, over 1,700 prisoners have been re-sentenced and released from prison under Proposition 36. The recidivism rate of prisoners released under Proposition 36 has been astonishingly low (less than 1.5 percent). However, mentally ill prisoners sentenced under the Three Strikes law are not receiving the same benefit from the reforms to California’s Three Strikes law.

Under Proposition 36, a prisoner sentenced to life for a non-serious, nonviolent crime will receive a reduced sentence unless a Superior Court judge determines that re-sentencing the prisoner would endanger public safety.\textsuperscript{18} According to CDCR data, a large majority (95 percent) of eligible prisoners who petition for re-sentencing under Proposition 36 has received a shorter

\textbf{Mentally ill prisoners are disproportionately denied shorter sentences under Proposition 36.}

![Diagram showing the distribution of petitions granted and denied for mentally ill and general population prisoners.][1]

[1]: When did prisons become acceptable mental healthcare facilities? 14
sentence. Yet, 75 percent of those prisoners who have been denied a shorter sentence under Proposition 36 are mentally ill.

One of the reasons that mentally ill Three Strikes prisoners are faring poorly under Proposition 36 has to do with prison disciplinary rules, which play a large role in a judge’s determination of future risk to public safety. Mentally ill prisoners generally have more prison violations than inmates without mental health problems. While this is not surprising, it is problematic. According to the findings of the federal district court and the special master overseeing the prison disciplinary procedures in Coleman v. Brown, since 1995 prison officials have been using disciplinary violations and punishment to control the behavior of the mentally ill in lieu of treatment. As a result, the Coleman court has ruled that prison disciplinary procedures involving mentally ill inmates over the past 20 years have been in violation of constitutional protections and has ordered remedial action.

Superior Court judges evaluating the prison disciplinary records of mentally ill inmates petitioning for new sentences under Prop. 36 should be aware of the historic problems with the prison disciplinary rules involving mentally ill inmates and take into account the prison’s failure to adequately treat and discipline mentally ill prisoners when making a dangerousness evaluation under Proposition 36.

Furthermore, California law generally needs to be clarified to ensure that judges do not impose longer sentences on defendants just because they are mentally ill. Regulations governing which prisoners should be released on parole specifically provide that a prisoner’s mental health status may indicate increased public safety risk and justification for denial of parole. This provision should be eliminated and brought into line with California Rules of Court governing criminal sentencing proceedings, which provide that an offender’s mental illness is a mitigating factor that reduces the offender’s criminal culpability and justifies a reduced sentence. The United States Supreme Court has repeatedly held that defendants whose mental illness contributed to their crimes should not receive the same punishment as defendants who do not have mental health problems. In Penry v. Lynaugh, 492 U.S. 302 (1989) the Court explained:

[We affirm] the belief, long held by this society, that defendants who commit criminal acts that are attributable...to emotional and mental problems may be less culpable than defendants who have no such excuse.

This principle has been extended to limited criminal contexts, like the death penalty. The same rules should be applied to the vast majority of defendants in California and nationwide who do not face capital punishment and who may have committed their crimes as result of mental illness.
Investment In Community Mental Health

The community mental health system has been deficient for many years. We have recently made efforts to rebuild the system—which provides necessary services and programs for collaborative mental health courts, the Department of Corrections, and law enforcement to divert mentally ill offenders to mental health treatment instead of jail or prison—but progress has been slow.

In California, county governments now largely bear the responsibility for funding and providing the majority of mental health programs, including treatment services for low-income, uninsured individuals with severe mental illness and programs associated with the Mental Health Services Act of 2004 ("MHSA," also known as Proposition 63).

Passed in November 2004, Proposition 63 imposed a one percent income tax on personal income in excess of $1 million. Proposition 63 expanded mental health services for children and adults with severe mental illness whose needs were not covered by existing insurance programs or other federally sponsored programs. Proposition 63 provides funds to counties to expand and develop innovative programs for the mentally ill.

This year, over $1 billion will be allocated to county mental health programs and approximately $80 million will be allocated to state mental health programs under Proposition 63. In Los Angeles alone, programs funded by Proposition 63 provided services to over 150,000 people last year. Participants in the Full Service Partnership program funded by Proposition 63 experienced a reduction in homelessness, psychiatric hospitalization and incarcerations:

- Mentally ill adults achieved a 71% reduction in the number of days spent homeless.
- Mentally ill adults achieved a 50% reduction in the number of days spent in jail.
- Mentally ill youth achieved a 59% reduction in days spent in Juvenile Hall and a 40% reduction in the number of days psychiatrically hospitalized.

Building on this success, Senator Steinberg helped to pass SB 82, the Mental Health Wellness Act of 2013, which provided funds to increase local capacity to assist mentally ill individuals in crisis. SB 82 funds mobile crisis teams, crisis stabilization beds, and better triage for mentally ill individuals. This April, the state approved $75.3 million in

California voters overwhelmingly support the expansion of mental health services.

Source: Californians For Safety and Justice, (2013).
When did prisons become acceptable mental healthcare facilities?

grants, adding 827 residential and crisis stabilization beds, and 39 vehicles and 60 staff for mobile support teams statewide.

In addition to these new state funding streams, the federal Affordable Care Act of 2012 expands eligibility criteria of Medi-Cal to include many mentally ill individuals in the criminal justice system. The Affordable Care Act also provides for a large expansion of mental health and substance use disorder coverage.

These programs have proven that increased support and services to indigent mentally ill individuals can help treat serious and debilitating conditions, help improve public safety (by reducing crime committed by untreated mentally ill individuals), and save money by diverting them from expensive and inappropriate placement in emergency rooms and jails. The state and counties should expand on the success of these programs that are benefits to us all.
A Plan To Stop Imprisoning And Start Treating Our Mentally Ill Citizens

From time to time there have been efforts to expose this disaster but bold proposals for solutions have been lacking. We have seen periodic criticism, but no serious desire or determination for change. We, in California, can and will do better. Recognizing the fundamental importance of a compassionate, just, safe and cost-effective solution, the legislature can take the following immediate steps to address the crisis of mental illness in California’s justice system. Each of these proposals support priorities set forth earlier in the Introduction of this Report: (1) Trial courts should take into account the mental health of each defendant at sentencing; (2) Once sentenced, the Department of Corrections and a newly established court, working together, should oversee the mental health treatment of each prisoner; and (3) All prisoners must have a reentry plan that provides for continued mental health treatment upon release from prison.

These recommendations build on one another in order to achieve truly robust and comprehensive reform. Our plan to stop imprisoning and start treating mentally ill citizens consists of three modest but significant proposals:

1. Reform the Way We Sentence the Mentally Ill:

   We propose that all new sentences take into account the mental health of each defendant and, where appropriate, provide a non-prison sentence for any defendant charged with a nonviolent crime/non-serious offense. This new sentencing would apply when the sentencing judge finds that the defense has shown by a preponderance of the evidence that the crime was likely committed as a result of the defendant’s mental illness. Under such a circumstance, the defendant will be sentenced to mental health treatment and monitoring in a non-custodial setting. We propose to provide funding for mental health treatment for these defendants throughout the state. The cost of such treatment is significantly less than the cost of incarceration.

   Trial Courts Should Take Into Account the Mental Health of Each Defendant at Sentencing. For many reasons the mentally ill are disproportionately involved in the criminal justice system. We must increase diversion programs to redirect mentally ill defendants away from prisons and jails—which exacerbate mental illnesses, impede treatment, and undermine public safety—toward proven mental health treatment services.

   We urge the immediate enactment of SB 1054 and the Mentally Ill Offender Crime Reduction Grant (MIOCR) Program. SB 1054 allocates $50 million from the Recidivism Reduction Fund to fund a competitive grant program for mental health courts and other programs throughout California, helping divert people with mental illness out of corrections and into services. The MIOCR grant program has been successful in the past in reducing the number of people with mental illness in jail and should be reestablished.
2. Provide Meaningful Treatment in Prison:

We propose that when a sentencing judge finds (a) that a defendant’s serious offense was caused in large part by his mental illness, or (b) that a defendant who committed a nonserious offense needs to be incarcerated due to the danger to himself or others, the judge will order the provision of meaningful mental health services as part of the terms and conditions of incarceration. These mental health services, although overseen and provided by the Bureau of Prisons, will nevertheless be reviewed from time to time by a special Mental Health Prison Oversight Court, which will be set up to assure that proper mental health services are being provided to each incarcerated defendant. This special court will be made up of judges and mental health professionals who will work together to fashion and oversee the treatment of incarcerated prisoners in need of mental health treatment. This new Mental Health Prison Oversight Court will provide initial sentencing recommendations to trial court judges who request the court’s input. Following a defendant’s sentencing, the new court will have authority to oversee the mental health treatment of the incarcerated defendant, and will be empowered to order changes to the treatment plan that the court deems appropriate. This is a bold new proposal to integrate the independence of the prison system with the oversight of a special court as part of the judiciary. We recognize the problems and challenges of implementation, but we are confident that the goodwill and creative cooperation of all concerned will allow for the implementation of this change.

Once Sentenced, CDCR and a Newly Established Court Will Oversee the Treatment and Housing of Each Mentally Ill Prisoner. Despite two decades of federal litigation designed to improve the mental health care of California prisoners, treatment for the mentally ill in prison still falls well below minimal constitutional standards in many important respects.

Call to Action!

Call Governor Brown and tell him to support the needs of people with mental illness. We need to treat mental illness—not criminalize it.

Tell Governor Brown to support these common sense reforms:

• Expand mental health courts statewide

• Provide mental health case managers for mentally ill parolees

• Support transitional housing for mentally ill inmates leaving prison

• Continue to provide services to Three Strikes prisoners released under Prop. 36

Call the Governor’s Office at (916) 445-2841 or email him by visiting Gov.CA.Gov.
We must provide the mentally ill with appropriate housing and personnel to treat their needs. **We urge** expanded training for corrections officers, and mental health, healthcare, and rehabilitative programing staff. Establish an intensive training program for correctional officers, healthcare, mental health, and rehabilitative program staff. Require in-service training that integrates mental health, healthcare, and correctional officer staff. **We urge** the construction of mental health treatment facilities and substance abuse treatment facilities. The Governor's Budget proposes an additional $500 million on top of the $1.2 billion already budgeted for jail construction. This funding needs to be expanded to include construction of mental health treatment facilities and substance abuse treatment facilities.

3. **Continue Meaningful Treatment After Prison:**

Finally, we propose that all prisoners, prior to release, be evaluated for post-release mental health needs and, where appropriate, be referred to mental health centers for the ongoing provision of mental health care. These new mental health centers will be located throughout the state and will have access to the mental health records of the released prisoners, recommendations for appropriate post-release mental health care, and the funding needed to provide these services for at least one year following release. As indicated above, providing these services will more than pay for itself in terms of costs saved by avoiding the extraordinary (financial and human) costs of incarceration.

**Prisoners Will Be Provided with a Mental Health Reentry Plan Upon Release.** The mentally ill confront distinct, yet treatable, challenges as they reintegrate into the community. We must provide them with support as they meet these challenges. **We urge** the guarantee of transitional housing upon release for the mentally ill. Require all mentally ill parolees to be released 90 days early into an intensive transitional housing program. **We urge** the creation of a corps of mental health parole officers. Create a specialized caseload for parole agents for mentally ill parolees with a caseload of 1 parole agent to 20 mentally ill parolees. The mental health parole agent should have a minimum of an Associate's Degree, at least one year of social casework experience, and training in cognitive behavior treatment and motivational interviewing.
We urge the re-establishment of Parole Out-patient Clinics (POC) as case management offices. As the parole population decreases, the state should change the mission of the Parole Out-Patient Clinic and establish three different levels of case management:

- **Initial 30 Day Case Manager:** This case manager will meet with the parolee immediately upon release, assess for needs, and establish initial essential services, including housing, sobriety maintenance, and medical and mental health care.

- **Long-term Case Manager:** This case manager will partner with multiple parole agents to assist both the parolee and the parole agent in maintaining access to services.

- **Mental Health Case Manager:** A specially trained social worker who will work with parolees identified as mentally ill and their specially-trained parole agents to develop individualized case management plans, ensure the parolee is enrolled in Medi-Cal, connect the parolee with physicians, and establish the first medical and mental health appointments for the parolee. The parole agent and the case manager will work together to address all reentry needs of the parolee, including housing, health care and employment.

We urge that mentally ill Proposition 36 offenders receive state services. A disproportionate number of prisoners sentenced to life under California’s Three Strikes law are mentally ill. We should continue to provide parolee services for prisoners released under Proposition 36. Last year, CDCR and Administrative Office of the Courts established a referral process for Proposition 36 offenders to receive existing parole reentry services. These services have helped ensure a historically low recidivism rate among prisoners released under Proposition 36 and should be continued.
When did prisons become acceptable mental healthcare facilities?

Footnotes

1 Unless otherwise noted, all data in this report were provided by the California Department of Corrections and Rehabilitation (2014). For purposes of this report, “mental illness” is defined as a condition that qualifies for placement in the prison’s Mental Health Delivery System within the last year.


4 Legislative Analyst’s Office, Major Milestones: 43 Years of Care and Treatment of The Mentally Ill (2000).

5 G.E. Witmer, From Hospitals to Jails: The Fate of California’s Deinstitutionalized Mentally Ill, American Journal of Orthopsychiatry 1980; 50:65 75.


10 States’ Use of Cost Benefit Analysis: Improving Results for Taxpayers, Pew Macarthur Results First Initiative (July 2013).


12 Id.


14 Id.


19 See Title 15 Sec. 22811(c)(5).

20 See Cal. Rule of Court Sec. 4.423(b)(2).
Sheriff's Guide to Effective Jail Operations
Sheriff's Guide to Effective Jail Operations

Mark D. Martin
Paul Katsampes, D.P.A.

January 2007

NIC Accession Number 021925
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>v</td>
</tr>
<tr>
<td>Preface</td>
<td>vii</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>ix</td>
</tr>
<tr>
<td><strong>Chapter 1. Role, Purpose, and Characteristics of the Jail</strong></td>
<td>1</td>
</tr>
<tr>
<td>Purpose of the Jail</td>
<td>1</td>
</tr>
<tr>
<td>The Role of the Jail in the Local Criminal Justice System</td>
<td>1</td>
</tr>
<tr>
<td>Characteristics of the Jail Population</td>
<td>2</td>
</tr>
<tr>
<td><strong>Chapter 2. Sheriff’s Roles and Responsibilities</strong></td>
<td>5</td>
</tr>
<tr>
<td><strong>Chapter 3. Providing Effective Leadership and Support for the Jail</strong></td>
<td>9</td>
</tr>
<tr>
<td>The Leadership Function and Expected Outcomes</td>
<td>9</td>
</tr>
<tr>
<td>Creating a Vision</td>
<td>9</td>
</tr>
<tr>
<td>Developing and Implementing the Mission and Goals</td>
<td>10</td>
</tr>
<tr>
<td>The Jail Administrator as a Member of the Sheriff’s Executive Team</td>
<td>12</td>
</tr>
<tr>
<td>Managing Human Resources and Creating a Positive Organizational Culture</td>
<td>12</td>
</tr>
<tr>
<td>Managing the External Environment and Developing Public Policy</td>
<td>15</td>
</tr>
<tr>
<td><strong>Chapter 4. Liability and Standards</strong></td>
<td>19</td>
</tr>
<tr>
<td>Jail Liability</td>
<td>19</td>
</tr>
<tr>
<td>Jail Standards</td>
<td>20</td>
</tr>
<tr>
<td><strong>Chapter 5. Jail Physical Plant</strong></td>
<td>23</td>
</tr>
<tr>
<td>Characteristics of Facilities That Support Effective Jail Operations</td>
<td>23</td>
</tr>
<tr>
<td>Capacity and Jail Crowding</td>
<td>23</td>
</tr>
<tr>
<td>Environmental Conditions, Sanitation, and Maintenance</td>
<td>24</td>
</tr>
</tbody>
</table>
The National Institute of Corrections (NIC) recognizes that many local jails across the country are the responsibility of the elected county sheriff. With this in mind, NIC developed the Sheriff’s Guide to Effective Jail Operations to focus on jail issues from the perspective of the sheriff. This guide provides an overview of the sheriff’s roles and responsibilities with regard to the jail along with basic information on critical aspects of jail operations and management.

The guide highlights the types of support and leadership the sheriff should provide to enable jail administrators to effectively manage the jail and includes other information to help the sheriff address jail problems, manage liability issues, and improve operations. Review checklists are included throughout the guide to help the reader assess the status or performance of his/her own jail. The guide concludes with a chapter outlining the steps a new sheriff may take during the first few months in office to learn about his/her jail and identify potential problem areas.

The content of the guide is drawn in part from the NIC publication, Resource Guide for Jail Administrators (Martin and Rosazza, 2004), and is organized to serve as a companion document to the larger Resource Guide. Readers interested in additional information about specific aspects of jail operations should refer to the Resource Guide.

We hope this document will assist new sheriffs who are learning about their responsibilities for the jail for the first time as well as veteran sheriffs seeking to improve the effectiveness of their operations. We invite sheriffs and other readers to take advantage of the other resource documents NIC has developed specifically for jails and to contact the NIC Jails Division for additional assistance, if needed.

Morris L. Thigpen
Director
National Institute of Corrections
In the United States there are more than 3,000 county jails. In most states, the operation of the county jail is the sheriff's responsibility. Statutes typically identify the sheriff as the “keeper” of the jail and often include language that requires sheriffs to “take charge and custody of the prisoners lawfully committed and keep them until they are discharged by law.” Although many sheriffs hire jail administrators to manage day-to-day operations, it is the sheriff who is ultimately responsible for securing resources for the jail and ensuring that the jail is operated in a safe, secure, humane, and legal manner.

The jail is only one of a number of major duties that may be assigned to the sheriff. Other duties may include law enforcement services, civil process, communications, court security, and inmate transport. However, given public safety concerns and the high potential for liability associated with incarceration, the operation of the jail is undoubtedly one of the sheriff’s most critical duties.

In being responsible for the county jail, the sheriff faces the challenge of managing a criminal justice agency that is at the bottom of the priority list for public funds. County citizens often view the allocation of money for the jail as benefiting inmates, and they prefer making funds available to other “worthier” causes. In addition, law enforcement personnel, other county agencies, and public programs often view the jail as a competitor for public monies. The result is that political officials and public administrators are not enthusiastic about supporting the needs of the jail. They often wait until the courts, mobilized by inmate lawsuits, pressure agencies to change. This situation became complicated during the late 1970s and early 1980s, when jails became crowded in response to an increase in the length of sentences (primarily mandatory sentences for offenses such as driving under the influence, or DUI) and in the number of jailable offenses (such as domestic violence and DUIs). Capacity limits on prison populations, which kept prison-sentenced inmates in jail longer, and jail sentences as a condition of probation also contributed to jail crowding.

Law enforcement officials, judges, prosecutors, and other criminal justice agency decisionmakers seldom admit that jail conditions and jail crowding have any significant impact on their policies and day-to-day decisions. In conducting criminal justice system assessments, however, officials often learn that jail conditions do affect how people do their business. The jail, although a low-priority public agency, can significantly influence the policies of the criminal justice system. This systemic effect requires that the jail population be managed and monitored regularly.

Furthermore, criminal justice agency officials must recognize the influence their respective agencies’ policies have on other agencies and programs in the system. The sheriff must assume a leadership role to create a positive and professional jail operation and ensure that the jail is recognized as a significant part of the criminal justice system.
As elected officials, sheriffs come from diverse backgrounds and many begin their tenure without substantial knowledge about the jail or what is required for effective jail operations and management. To assist newly elected sheriffs, this guide provides a basic overview of jail operations and the sheriff’s roles and responsibilities in operating and managing the jail.
The *Sheriff’s Guide to Effective Jail Operations* was written under the direction of the National Institute of Corrections (NIC). Special thanks to Virginia Hutchinson, Alan Richardson, Jim T. Barbee, and Georgette Walsh at NIC for their leadership and assistance in the development of this guide. Thanks also go to Shelley Zavlek, who edited the initial draft, and to Christine Tansey and Janet McNaughton at Lockheed Martin Information Technology, who took the document from the draft stage to final publication.

We also wish to express our appreciation to the following individuals who took time out of their busy schedules to review and comment on drafts of the guide:

- Nick Albers, Jail Standards Coordinator, Idaho Sheriffs’ Association
- Richard Hodsdon, Legal Counsel, Minnesota Sheriffs’ Association
- Sheriff Ken McGovern, Douglas County, Kansas
- Sheriff Glen Meier, Valley County, Montana
- Sheriff Craig Roberts, Clackamas County, Oregon
- Sheriff Matt Strittmatter, Wayne County, Indiana

Their thoughtful reviews helped ensure the relevancy of the guide to the intended audience and enhanced its overall usefulness and readability.

Mark D. Martin
Paul Katsampes, D.P.A.
Purpose of the Jail

The jail is integral to local government’s public safety function and is an essential element of the local criminal justice system. It serves five basic purposes:

- To receive and process people arrested and taken into custody by law enforcement.
- To hold accused law violators to ensure their appearance at trial.
- To hold offenders convicted of lesser offenses—usually misdemeanors, but also low-level felonies in some jurisdictions—as a court-ordered sanction.
- To hold individuals remanded by the court for civil contempt.
- To hold offenders for other jurisdictions or those awaiting transfer to prison or other facilities.

To meet these objectives, jails are typically organized around two basic functions:

- Booking and intake.
- Custody.

The Role of the Jail in the Local Criminal Justice System

The jail is a critical component of the local criminal justice system. It is used to address the need for detention at various points in the criminal justice process. Jails typically serve multiple law enforcement agencies in the community, including local law enforcement, the state police, conservation officers, and federal authorities. Jails also serve prosecutors, the courts, and probation
and parole agencies. The jail serves these entities by holding the following groups in custody:

- New arrestees pending arraignment, trial, conviction, and sentencing.
- Offenders sentenced to jail time.
- Persons accused of probation, parole, or bail-bond violations pending revocation proceedings.
- Offenders sentenced as a sanction for probation or parole violations.
- Convicted offenders awaiting transfer to state or federal institutions.
- Illegal immigrants pending transfer to federal authorities.
- Offenders in the armed services awaiting transfer to military authorities.
- Offenders held for violations of court-ordered conditions such as failure to pay fines, contempt, failure to appear in court, violations of restraining orders, and failure to attend counseling.
- Juveniles charged as adults or pending transfer to juvenile authorities.
- Detainees held under contract for other local, state, or federal jurisdictions.
- Witnesses for court.
- Offenders held for state or federal authorities under a contractual arrangement with the local jurisdiction, or because the state or federal facilities cannot accept new inmates because of overcrowding.

As evidenced by the list above, the jail responds to many needs in the criminal justice system and plays an integral role within that system. These needs are dynamic and influenced by the policies, practices, and philosophies of the various users of the jail. The sheriff must understand these various needs and be cognizant of the policies and practices that significantly affect the composition of the jail population and the demand for bed-space. The sheriff, along with other criminal justice system officials, should periodically assess how well the jail is meeting the needs of the local criminal justice system. Such assessments help identify the need for additional resources or for changes in system policies and practices affecting the use of the jail.

Characteristics of the Jail Population

The jail serves a tremendously diverse population. Unlike prisons, where inmates generally are of the same gender, legal status, and custody level, jails are expected to manage a broad cross section of people. At any given time, the jail population may include males and females, juveniles and adults, the dangerous and the vulnerable, the minor offender and the serious offender, the physically fragile and the mentally ill, and the chemically addicted.

Inmates come to jail with varying degrees of medical, mental health, substance abuse, family, financial, and literacy issues. While in jail, they may display a wide range of emotions, including fear, anger, and anxiety, as well as violent, anti-social, and suicidal behaviors. The jail has a responsibility to appropriately house inmates and manage the behavior of this diverse population while they are in custody.

The jail has little control over the number or types of inmates it holds or how long they stay. Rather, the various criminal justice agencies the jail serves—law enforcement, prosecutors, courts, probation, etc.—and the efficiency of case processing will largely determine who comes to jail and how long they stay. Laws establishing the role and function of the jail, criminal penalties for law violations, the incidence of crime, and public attitudes about crime also influence the use of the jail.
Review Checklist: Role, Purpose, and Characteristics of the Jail

- Does your county have a mission statement that describes the purpose of your jail? (See Chapter 3 for more information about jail mission statements.)
- If so, does the actual use of the jail correspond to its intended role and purpose?
- Do you have regular access to accurate data on the jail population, so as to ensure appropriate use of the jail?
- Is your jail currently meeting the needs of the local criminal justice system?
- Are there problems with the jail that adversely affect the functioning of the local criminal justice system?
Sheriff’s Roles and Responsibilities

Jails today must be recognized and operated as professional institutions. They can no longer be operated on an ad hoc basis within the sheriff’s office. Regardless of their size, jails require the sheriff to be a full-time professional administrator capable of handling multiple roles internal and external to the jail. The sheriff must function effectively as the organization’s leader, as the manager of its operations and resources, and as the supervisor of the jail administrator.

As a leader, the sheriff:

- Creates a vision for the organization.
- Helps define the jail’s mission and the goals that must be met to achieve that mission.
- Creates a sheriff’s office executive management team that includes the jail administrator as an equal member.
- Builds a culture within the jail division that supports the attainment of desired outcomes.
- Serves as liaison to the external environment of the sheriff’s office (i.e., the local criminal justice system, special interest groups, stakeholders, the community, and the media).
- Influences and develops public policy supporting the agency mission.
- Creates and maintains a competent and diverse workforce.

As a manager, the sheriff:

- Mentors and coaches the jail administrator and other staff to elicit desired behaviors and develop talent.
- Ensures that policies and procedures that meet professional standards are established to guide the staff and the organization in day-to-day operations.
- Motivates the jail administrator and other staff to align their personal goals with those of the jail.
- Implements the policy of the sheriff’s office by providing thorough written directives and training on those directives.
- Monitors activities and assesses results by collecting and analyzing performance data on a regular basis.
- Manages and allocates budgets, staff, and other resources.
- Manages the organization’s preparation for and response to crisis situations and emergencies.

As a supervisor, the sheriff:

- Stays informed about day-to-day operations in the jail and is visible and available to assist when necessary.
- Monitors compliance with policies, standards, and legal requirements through the establishment of a systematic internal inspection and review process.
- Supports and facilitates the jail administrator’s efforts to redirect underperformers and address misconduct of jail staff.
- Monitors the jail administrator’s performance through regular reviews and quality assessment.
Sheriffs need the trust and support of their jail administrator to get this increasingly complex job done. A survey of jail administrators attending a National Institute of Corrections (NIC) training program, “The Jail as a Part of County Government,” in 2005 asked the administrators what types of support they needed from the sheriff to be effective in their job. Their responses included the following recommendations for sheriffs:

- Give the jail administrator full support and backing.
- Be knowledgeable about the jail.
- Participate in problem solving.
- Be involved, but do not micromanage.
- Understand the jail’s budgetary needs.
- Help road patrol and other divisions in the sheriff’s office better understand the jail’s needs and/or issues.
- Foster cooperation and communication with the courts and other key decisionmakers.
- Support adequate staffing, training, and facilities.
- Support equitable salaries and benefits for jail staff.

To support the jail administrator and contribute to the effective functioning of the jail, the sheriff should:

- Stay informed.
  - Visit the jail regularly.
  - Attend training on jail issues and trends.
  - Stay current with applicable jail standards.
  - Read jail-related periodicals and resource materials.
  - Review reports prepared by jail staff, inspectors, and others.
  - Meet regularly with the jail administrator to review accomplishments and address issues.

- Be proactive.
  - Work with the jail administrator to solve problems in the early stages.
  - Encourage staff to help provide solutions to problems.
  - Support the use of nonjail options to help manage the growth of the jail population and ensure that the jail is being used as intended.
  - Give risk management a high priority.
  - Work with the jail administrator to comply with standards.
  - Work with the jail administrator to achieve adequate staffing levels and develop a qualified workforce.
  - Support the jail administrator’s efforts to keep the jail current with computer technology and related resources.

- Secure adequate resources for the jail.
  - Help secure an adequate operating budget.
  - Work with the funding authority for resources to support and maintain an adequate facility.
  - Help the jail administrator secure nonfiscal resources available through other county and state agencies.
  - Support the jail administrator’s efforts to secure grant funding, subsidies, and other sources of financial support.
  - Support cost-sharing efforts through cooperative agreements with other jurisdictions.
Work with the jail administrator on ways to generate revenue. (However, do not create an overreliance on revenues for essential jail operations.)

**Provide leadership.**
- Help facilitate criminal justice system coordination.
- Support internal strategic planning and goal setting.
- Support training and professional development opportunities for the jail administrator.

**Be an advocate and a champion for the jail.**
- Promote jail-friendly legislation in the state legislature.
- Work with the jail administrator to develop an effective public education and communication plan for the jail.
- Advocate for needed resources with the funding authority and in community forums.

### Review Checklist: Sheriff’s Roles and Responsibilities

- Do you view your leadership role as sheriff as that of a full-time professional administrator?
- Do you have a good understanding of your multiple roles as sheriff, both internal and external to the organization?
- Are your leadership, managerial, and supervisory knowledge and skills where they need to be to lead the sheriff’s office and jail effectively? Are there areas where you would like to improve?
- Do you provide the level and types of support needed by your jail administrator for the effective operation of the jail?
Providing Effective Leadership and Support for the Jail

The Leadership Function and Expected Outcomes

There are significant benefits in providing effective leadership and support for the jail, not just for the sheriff, but also for the community. A well-managed, professional operation results in a safe and clean jail environment, which in turn reduces litigation and liability exposure and maintains a positive public image. Efficient jail operation is achieved through compliance with standards and the efforts of a well-trained, motivated workforce.

The sheriff’s leadership responsibilities include creating a vision for the organization; defining the jail’s mission and goals; implementing the jail’s mission through proper planning, budgeting, and monitoring; including the jail administrator in the executive management team; creating and maintaining a competent and diverse jail workforce; building a positive organizational culture within the jail division; influencing the external environment of the sheriff’s office and jail; and developing public policy that recognizes the jail as an integral part of the criminal justice system.

Creating a Vision

The vision is the leader’s statement of the organization's direction and its near-term goals. Jim Collins, a private researcher in the field of leadership and management, identifies four elements of a successful vision (Collins and Porras, 1991):

- The vision must be clear.
- The vision must be compelling.
- The leader must catalyze commitment to and vigorous pursuit of the vision.
- As a result, the leader stimulates higher performance standards.

The sheriff must use the vision to keep the jail administrator, jail supervisors, and jail staff focused on the direction of jail operations and the boundaries of decisionmaking. In communicating his/her vision, the sheriff should:

- Present ideas so others can understand the reasoning behind the direction.
- Give credit to those who helped make the organization what it is today.
- Be prepared to repeat the ideas over and over again.
- Give everyone a role in helping to refine and implement the direction.
- Be patient. Others have not had as much time as the executive to absorb the ideas.
- Beware of instant success. If everyone agrees immediately with the executive’s ideas, it is highly likely that they are not being honest.
- Be prepared for resistance, and do not take it personally. It is natural for people to resist change.

The vision statement is fundamental to effective leadership. It expresses a unique and ideal image of the future for the common good of the jail.
and the sheriff’s office. The sheriff is responsible for defining the vision. Although certain aspects of the vision generally change with each new sheriff’s administration, the vision always should:

- Express the organization’s highest standards and values.
- Provide the focus for the organization’s efforts and the impetus for significant achievement.
- Inspire the organization to “stretch,” grow, and improve.
- Be achievable within a given period of time, such as the sheriff’s term of office.
- Be supported by a plan for its achievement.

The following sample vision statement for a county jail reflects these characteristics:

The sheriff’s office will serve the public by conducting organizational operations that are progressive and ethical. The agency’s staff, in all divisions, will be trained in current practices, trained in ethical and professional behavior, and supervised by experienced and professionally educated leaders and managers. The law enforcement and the detention divisions will comply with state and nationally based professional standards. The sheriff’s office will interact with the community, work to understand the needs of the community, and collaborate with other agencies to resolve the community’s problems.

1 This vision statement is an example developed by the authors using the principles presented in the National Sheriffs’ Institute Training Program relating to developing a leadership direction for a sheriff’s office.

The following sample vision statement for a county jail reflects these characteristics:

The sheriff’s office will serve the public by conducting organizational operations that are progressive and ethical. The agency’s staff, in all divisions, will be trained in current practices, trained in ethical and professional behavior, and supervised by experienced and professionally educated leaders and managers. The law enforcement and the detention divisions will comply with state and nationally based professional standards. The sheriff’s office will interact with the community, work to understand the needs of the community, and collaborate with other agencies to resolve the community’s problems.

A **mission statement** is a short, concise statement describing the purpose of the jail, that is, why it exists. The mission statement normally includes the following information:

- The legal authority and responsibility of the facility within the local justice system.
- The purpose and identity of the organization.
- The values and philosophy of the facility and the community.
- The ways in which the facility will serve those affected by its work.

**Goals** are statements describing the outcomes resulting from the organization’s ability to fulfill its mission. They also establish priorities that focus the organization’s work on those activities that are essential to success.

The jail’s mission and goals are defined and shaped by a number of factors:

- Statutes that mandate the jail’s existence and its general purposes.
- Community and criminal justice system values and expectations.
- The sheriff’s vision, knowledge, and experiences.
- The funding authority’s values and expectations.
- Court decisions.
- The availability of resources.
- The jail itself.

**Developing and Implementing the Mission and Goals**

Mission and goals are also essential elements of an effective organization. They give the organization purpose and help keep it on track. They also give the sheriff and his/her jail administrator a means of measuring current performance and provide a basis for future plans.
Working with the jail administrator, the sheriff incorporates these mandates and expectations, along with his/her own philosophical orientation, into succinct mission and goals statements for the jail.

Following is a mission and goals statement from a Colorado sheriff’s office:

The sheriff’s office is responsible for maintaining the county jail in a manner that ensures safety and security for the general public, jail staff, visitors to the facility, and jail inmates. The facility is designed to comply with Colorado state laws, the constitutional requirements as defined by the U.S. Supreme Court, and the American Correctional Association Standards for Local Detention Facilities.

The facility serves as a countywide offender intake center and detention center for pretrial and sentenced felons and misdemeanors. To ensure security and safety, the facility operations include a classification system that separates males from females, violence-prone inmates from others, and work-release inmates from other inmates.

The facility has a goal that no inmates shall leave the facility in worse condition, physically or psychologically, than when they entered. Achievement of this goal is enhanced through adherence to life safety codes, the availability of inmate activities, and regular programming. The facility will offer education, mental health counseling, and jail ministry programs for inmates. Appropriate medical care, alternative meals, programs to address drug and alcohol dependency, no-smoking programs, and religious counseling will be made available. Work release and community service will be available to judges for the sentencing of offenders that meet community correctional criteria.

The county sheriff also recognizes that for most offenders, incarceration is punishment in itself and that staff deserve a positive work environment.

Once the facility’s mission and goals are established, plans for their implementation must be developed. Planning provides the organization with direction and focus; it determines how the organization will function and what it will accomplish. Planning aligns the facility’s goals, activities, and resources to achieve its mission. The planning process provides a systematic way for the sheriff to make decisions regarding the effective allocation and use of available resources for the jail and other functions of the office. Information developed in the planning process becomes a primary resource in the development and justification of the office’s budget.

The sheriff obtains and uses the financial resources needed to operate the jail through the jurisdiction’s budget process. To provide effective leadership in this area, the sheriff must know the budget process for the jurisdiction and the specific responsibilities of the sheriff’s office for budget development and management. Ideally, the sheriff and the jail’s management team should play a key role in the process. Those who actually manage and deliver the services are most knowledgeable about what resources are needed and how to allocate resources. Although the jail’s budget is typically combined with the sheriff’s overall budget, it should be established as a distinct program within the sheriff’s office budget so the jail administrator knows what financial resources he/she has to work with and can manage those resources to meet the jail’s goals and objectives.

The jail’s operations and programs should be monitored regularly through a process of internal inspections and reviews. An internal monitoring system provides timely observation and assessment of critical jail functions and helps the sheriff and jail administrator stay informed about programs, activities, and problems in the jail.

---

¹This example was adapted from the mission statement of the Boulder County Jail in Boulder, Colorado.
It can reveal how well the facility is complying with policies and procedures, standards, and other legal requirements. It also provides a means of determining whether the jail is meeting its goals and helps identify areas in need of improvement.

The jail may also be inspected by a number of external entities having regulatory responsibility over various aspects of jail operations. This may include a jail inspection agency, a health department, a fire inspection agency, building code inspection bureaus, and agencies responsible for monitoring workplace safety. The sheriff should encourage his/her jail administrator to develop good working relationships with representatives from external inspection agencies. In addition to the objective assessment provided by an external inspection, the agency may be a source of technical assistance and support when improvements are needed.

The Jail Administrator as a Member of the Sheriff’s Executive Team

The sheriff’s office executive team usually consists of the sheriff (the team leader), the undersheriff or chief deputy, the division commanders, and an administrative manager. It is critical that the jail administrator be included as a member with status and decisionmaking power equal to that of the other members of the team. The sheriff has the responsibility to set the tone for team interactions, modeling and reinforcing behaviors that encourage trust, open communication, honesty, respect, innovation, team spirit, commitment to vision, and accountability. The sheriff, as a team leader and facilitator, needs to be a role model for the team members.

As the leader, the sheriff should facilitate collaborative working relationships among team members and enable them to share power. Sheriffs who rule with an iron fist and demonstrate no faith in the ability of the members of their executive team to take on responsibilities will find the team of little help to them. In other words, the sheriff needs to develop team members into strong independent leaders who know the value of protecting their interests and, at the same time, working with others for the good of the organization.

The characteristics of the individuals who make up the executive team contribute to its effectiveness. The sheriff should work to build on individual strengths and compensate for individual weaknesses by acting in a supervisory role as a mentor to individuals in their personal and professional development process. The ability to work well together is a fundamental component of a successful team. Three keys to establishing a collaborative climate are clearly defined roles and responsibilities, strong lines of communication, and positive relationships.

As a member of the executive team, the jail administrator should actively participate in organizational decisions, working with other division commanders to solve problems not just for the jail, but also for the overall organization. If the team is committed to the overall success of the sheriff’s office, division commanders will focus on helping other divisions, as well as their own, to succeed.

Managing Human Resources and Creating a Positive Organizational Culture

Effectively managing human resources is one of the sheriff’s most challenging and important responsibilities. There are myriad laws and regulations addressing all aspects of human resource management. In addition, collective bargaining
agreements often spell out additional employment conditions and rights. As manager of the jail’s workforce, the sheriff should be aware of these requirements.

The sheriff can support the jail administrator’s efforts to deal with human resource issues by taking these positive steps (Katsampes, 2004):

- Developing written personnel policies and procedures.
- Developing written job descriptions.
- Properly classifying employees.
- Evaluating employee performance.
- Applying policies and procedures consistently.
- Following the rules carefully in disciplining staff.
- Maintaining adequate documentation.
- Supervising direct reports and modeling supervision best practices.
- Ensuring that meaningful performance reviews are conducted regularly.
- Ensuring that timely and fair processes for mediation of staff problems, complaints, grievances, and labor relations issues are in place.
- Encouraging the development and realization of opportunities for employee development and being sure employees understand how to access them.
- Determining the division/institution’s staffing needs and ensuring that appropriate steps are taken to meet these needs.
- Ensuring the establishment of fair and equitable human resource policies.
- Establishing a positive working environment by creating a progressive vision, mission, and set of goals for the organization and a positive organizational culture.

**Organizational Culture—What Is It?**

Organizational culture may be described as a set of assumptions, values, and beliefs shared by members of an organization (Stojkovic, Kalinich, and Klofas, 1998). It may be derived, in part, from the culture and values of the community. These assumptions, values, and beliefs often influence the behaviors of the jail staff, especially in response to work-related problems. Such behaviors may be positive—supporting the sheriff’s office vision and mission—or negative—undermining the vision and mission. In any case, the norms and values of various groups influence the operation of the jail (Katsampes, 1998; Katsampes and Nees, 2002). Therefore, it is important for the sheriff to establish policies and procedures that contribute to a strong, positive organizational culture.

**Organizational Culture—How It Develops**

Organizational culture is developed and maintained through a process that includes three distinct stages—anticipatory, formal, and informal (Stojkovic, Kalinich, and Klofas, 1998).

The anticipatory stage occurs before an individual enters an occupation. In this stage, the job applicant’s perceptions about the jail operation are being shaped even before they are hired. The applicant’s perceptions are influenced by others who have varying degrees of familiarity with jail operations—including family members, neighbors, teachers, and the media. Perceptions also are influenced by the information applicants receive through the recruiting process or other direct contact with the sheriff’s office.

The formal stage consists of the preservice and on-the-job training conducted by the sheriff’s office for the purpose of teaching the new jail

---

4 The organization of this and the following sections is derived from Katsampes (2004).
employee the “right way,” or the organization’s way, of performing jail duties.

The informal stage occurs as various veteran jail staff tell the new jail officer “how we really do things here” and express views of right and wrong as they have been developed by the staff’s informal culture. Often feeling a need to be accepted by their colleagues, new employees may be easily influenced by peers and supervisors. This need to belong to the group is even stronger in criminal justice occupations because of safety concerns—concerns that are especially evident in jail operations. When the learning that occurs in the informal stage is in line with the sheriff’s vision and mission, it reinforces the commitment of the new employee to an overall positive organizational culture. When it diverges from that vision, the learning serves only to perpetuate a negative culture.

Developing or changing the culture of a jail staff is a challenging and long-term goal. Values that have become ingrained over the years are not easily changed. The sidebar “Developing the Organization’s Culture” presents strategies that should result in the selection and retention of workers who are committed to the direction of the sheriff’s office and the jail organization.

### Developing the Organization’s Culture

#### Anticipatory Stage

1. Use agency advertising: the media, including news articles; and high school and college job fairs.
2. Use model jail officers in recruiting efforts.
3. Clearly state the organization’s vision, mission, goals, and policies and procedures during the recruiting and selection process and explain the consequences of violations.
4. Develop selection requirements that emphasize professionalism and education.
5. Use psychological, social, and value-based instruments and interviewing in the selection process.

#### Formal Stage

1. Increase the amount of preservice training.
2. Increase the training emphasis on ethics and professionalism.
3. Develop or reorganize the Field Training Officer (FTO) program.
4. Implement a first-line supervisor training program that emphasizes problem solving and accountability.
5. Clarify the organization’s vision, mission, goals, and policies and procedures. Clearly state the consequences of violations.
6. Implement a progressive disciplinary process for officer infractions.
7. Terminate repeat or serious offenders.
8. Terminate new officers who are not professional during the FTO and probationary stage.
9. Promote and reward officers who are productive, professional, and opinion leaders.
10. Reward officers who recruit professional applicants.

#### Informal Stage

1. Identify jail staff opinion leaders and include them in training programs.
2. Identify officer safety and security issues and needs.
3. Reduce low staffing and inmate crowding.
4. Involve middle managers and first-line supervisors in problem solving and strategy meetings.
5. Terminate or demote staff who do not support or implement solutions.
6. Initiate a collaborative conflict resolution process using small groups of officers to identify the safety and security needs of officers and the needs of the administration.
7. Create officer problem-solving teams to identify solutions to inmate control problems.

Managing the External Environment and Developing Public Policy

Managing the external environment is defined as interacting with citizens and interest groups, collaborating with other agencies, acquiring necessary resources, maintaining a productive place in the criminal justice system, and applying effective techniques and strategies to building public and media relations. Effective sheriffs recognize that their organizations are part of a larger whole, and external conditions may influence day-to-day operations and long-term goals.

Developing Public Policy

The sheriff’s leadership role includes responding to new laws, court decisions, and legislation; presenting needs and requirements to the county commissioners; developing relationships with community and special interest groups; implementing new technology; and recognizing social conditions. Sheriffs must learn to effectively carry out all these tasks. The sheriff must understand that he/she is part of a system in which all parts have an influence on the other parts. The external factors fluctuate continually, as does their impact on agencies of the criminal justice system. The sheriff must be aware that the sheriff’s office (particularly the jail) is dependent on others. It is important that the sheriff’s office be capable of performing environmental assessments, identifying trends, and developing strategies to respond to the changing environment.

The sheriff differs from other managers in that he/she should not only respond to environmental influences, but also should actively shape or guide policy and budgetary directions affecting jail operations. Knowing the community enables the sheriff to make sound decisions and build viable partnerships. The sheriff must be able to discern which partnerships should be established, refreshed, or abandoned. The sheriff’s office is part of a larger system; what others do affects the office, and what the office does affects them.

Special interest groups, stakeholders, and other agencies have either overt (obvious) interests or covert interests (hidden agendas, unidentified issues, politically incorrect issues, etc.). To identify these interests and uncover hidden agendas, the sheriff should:

- Conduct meetings with these groups and ask about their concerns.
- Read/observe how they act.
- Attend public meetings and hearings.
- Follow press coverage and develop positive relationships with the media.
- Develop and maintain working relationships with legislative/political staff and officials to ensure implementation of the agency vision and mission.
- Assist staff in understanding how the agency agenda fits into the context of other public policy issues.
- Create opportunities for staff to participate in understanding, developing, and implementing public policy.
- Create opportunities for external stakeholders to participate in the development of public policy.

Following is one sheriff’s description of developing public policy and public partnerships for a county jail using some of the strategies just listed:

In 2005, I attended the 89th National Sheriffs’ Institute (NSI)—sponsored by the NIC and the National Sheriffs’ Association—in Longmont.

---

5 A portion of this section was adapted from Katsampes (2005).
Colorado. I had previously attended the 2-week class for newly elected sheriffs required by the state of Kansas; the class had provided a basic overview of the responsibilities and requirements of the sheriff’s job.

When I enrolled in the NSI administration class, I was thinking I would be learning the same information as the Kansas class, but I was looking forward to the networking opportunity. During the NSI class, I realized that the back-home issues I was faced with were not unusual and there were some ways to deal with them.

After I returned home, I worked with my management team on things I learned in the program. First we began with our mission and our vision, and we developed those that seemed to work for us. We continued to build from there, and although days seemed to drag in the beginning, as the work went on, it began to fall into place. We identified our issues and then worked on problem solving with each other.

We began a plan for an addition to our jail facility. We began a conversation with the county commissioners to test the waters. Our programs director met with NIC consultants at a conference and began inquiries for assistance. NIC came and began a jail study for a reentry program.

We contacted one of the county commissioners and relayed what we were trying to do with our reentry program. Our commissioners seemed impressed with our plan and forethought. We then contacted about 20 to 25 stakeholders with community organizations for a scheduled meeting and gave a little information about the plan. Everyone came or sent someone to give input into our jail reentry program. On the final day we invited the media, and on the next day it hit the media. We received positive comments concerning the staff’s efforts. I continue to attend civic functions, and I continue to receive positive comments.

I think back to the days in Longmont, when I was not sure these ideas would work when I got back home. But now I look forward to the next challenge and to working with the stakeholders’ help. I feel they will join us to solve problems and achieve our goals.

—Kenneth McGovern, Sheriff
Douglas County, Kansas

Establishing Positive Media Relationships

One goal of the sheriff is to build a long-term, professional relationship with the media. The sheriff should develop media policies and protocols that assure that all agency staff are aware of who should respond to what issues, what information may be released, and the agency’s philosophy of openness to the media. Media representatives value straightforward, timely, and reliable information. The sheriff should develop an agencywide expectation that openness and truthfulness are the norm.

In addition to responding to requests for information about an event or incident, the sheriff should develop a media plan with a variety of proactive approaches, including the following:

■ The distribution of educational materials that provide background and factual information (not necessarily for immediate use).

■ Regular press releases. Policies should be developed to determine when press releases should be used, what subjects they should cover, and who should authorize their release.

■ Press conferences. Press conferences are useful in helping attract coverage of topics the sheriff is interested in sharing with the public and provide a venue for getting many journalists’ questions about an issue answered at one time.

■ Regular visits to editorial boards (print and broadcast media).

Monitoring the media for stories that affect the jail is important to keep the agency up-to-date on media needs and trends. Jail staff members
should be assigned (or a clipping agency contracted) to read and clip stories that directly affect the jail and to record items of general correctional interest. This information should be shared widely throughout the organization.

### Review Checklist: Providing Effective Leadership and Support for the Jail

- Is your vision clear and compelling and do you use it to enhance commitment?
- Do your jail policies and procedures support the mission and goals?
- Have you developed an executive team, and is the jail administrator an equal member of the group?
- Do you have a strategy for managing the jail budget that includes development by the jail administrator and feedback from the jail staff?
- Do you have a strategy that increases the competency of your jail staff and that influences the staff culture?
- Do you have a role as a leader within the local community? If so, what form(s) does that leadership role take?
- Can you identify the public interest groups and stakeholders in your community who have an interest in and influence with the jail?
- Do you have a plan for dealing with the media as it affects the jail and jail-related issues?
The jail clearly carries the greatest risk of liability of all the functions in the sheriff’s office. The sheriff should be familiar with the legal requirements for operating a jail and the standards that are applicable to his/her jail.

**Jail Liability**

Prior to the 1960s, the public and courts largely ignored conditions and practices in jails. The courts adopted a “hands-off” policy toward inmate complaints and lawsuits that challenged institutional conditions and practices. This policy was based on the belief that corrections administrators knew best how to control inmates and should be deferred to concerning jail operations and management.

During the 1960s and 1970s, there was a significant movement in the United States to recognize and increase the civil rights of many groups of people. In that climate, prisoners’ rights became a more important issue. Federal courts began to recognize prisoner lawsuits challenging conditions of confinement as legitimate legal claims.

The legal basis for the intervention of the federal court in jail matters is Title 42, Section 1983 of the Federal Civil Rights Act of 1871. The law provides that “Any person acting under the color of law who deprives anyone of a right secured by the Constitution or laws of the United States shall be liable to the injured party.” Sheriffs can be sued under Section 1983 because they are operating under the “color of law.”

The courts recognized that inmates—although restricted for purposes of safety, order, security, control, and/or rehabilitation—do not lose their constitutional rights. To address inmate rights, the courts began to hear the petitions of inmates who claimed to have been subjected to physical abuse, inhumane conditions, corporal punishment, or other constitutional deprivations.

During the 1970s and 1980s, there were several significant court decisions addressing the rights of inmates. These court decisions were mainly based on the 1st, 6th, 8th, and 14th amendments to the United States Constitution. Cases touched on almost every area of jail operations, including staffing; access to courts, counsel, mail, telephone, reading materials and libraries; religious practice; personal, professional, and media visits; medical care; recreation and exercise; food services; classification, disciplinary segregation, and due process; living conditions; and the use of force.

As a result of this unprecedented judicial intervention, longstanding problems were broadly revealed and confronted. There is now a body of

---

6 See Collins (1998). When a person acts or purports to act in the performance of official duties under any law, ordinance, or regulation, he or she is acting under the “color of law.” Virtually anything that government officials do in the jail may be considered under the “color of law.”
clearly established law, with associated liability, that addresses nearly every aspect of jail operations and the conditions of inmate confinement. The courts continue to review and refine legal requirements as inmate rights cases are adjudicated.

The sheriff has certain “affirmative duties” regarding the safety and well-being of the community and inmates in his/her custody. Deliberate indifference to the discharge of these duties is typically the basis of liability when conditions and/or practices are successfully challenged in court.7 These duties include:

- Protecting the community from harm.
- Protecting the incarcerated from harm.
- Providing “due care” to protect the incarcerated from conditions that could result in harm, such as:
  - Medical conditions.
  - Mental health conditions.
  - Self-harming behaviors.
  - Inadequate confinement, security, or supervision.
  - Environmental hazards.

The sheriff has a duty to protect the community from harm by preventing escapes and properly supervising inmates when they are outside the secure perimeter of the jail. The sheriff also has a duty to protect the incarcerated from harm resulting from institutional or staff violence. This includes taking steps to properly classify and house inmates; maintain appropriate levels of supervision; and provide a safe, contraband-free environment. Beyond the duty to meet the basic needs of inmates and protect them from harm, the sheriff has a duty to exercise “due care” to address conditions in the jail that could potentially result in harm to the inmates.

Jail Standards

The escalating number of court cases alleging unconstitutional jail conditions and practices has pointed to the need for a more standardized, uniform, and predictable way of addressing jail issues. In response, many states and professional organizations have developed comprehensive jail standards. By providing jail administrators with clear guidelines concerning jail operations and the treatment of inmates, these standards may decrease the likelihood of court intervention in jails.

Standards typically outline the requirements for both the construction and operation of local jails. Compliance with standards demonstrates a sheriff’s commitment to professionalism and can significantly reduce the local government’s exposure to liability.

The American Correctional Association (ACA)’s Standards for Adult Local Detention Facilities are perhaps the most widely recognized professional standards. Many states and other professional organizations have modeled their standards after those developed by ACA. Most states administer standards programs that include inspections, compliance monitoring, and sanctions for noncompliance. To facilitate compliance, some state programs offer technical or funding assistance. Some professional organizations, such as ACA, maintain an accreditation program as a means of recognizing jails that comply with and implement their standards.

---

7 Estelle v. Gamble, 429 U.S. 97 (1976). The “deliberate indifference” test is applied in areas other than just medical care, including safety and other general living conditions. It has effectively been expanded to mean “deliberate indifference to the basic human needs” of the inmate.
The sheriff should keep up with the latest information about the standards applicable to his/her jail and be aware of the status of the jail’s compliance with those standards. Sheriffs should also stay informed about issues, trends, and legislation that may have an impact on existing standards or create new standards affecting the jail.\(^8\) If the state has a standards and inspection program, the sheriff should get to know the inspection personnel and take advantage of resources they might have available to assist the jail’s compliance with standards. When deficiencies are identified, the sheriff must develop and implement plans for corrective action to bring the jail into compliance with the standards.

\[\text{Review Checklist: Liability and Standards}\]

- Do the conditions and practices in your facility meet current legal requirements?
- Is there a history of litigation in any particular area of the jail (e.g., issues regarding medical care, the use of force, or suicide)?
- Have you developed and implemented a comprehensive risk management plan to eliminate or reduce hazards in the jail?
- Do you have a means of keeping up with issues, trends, case law, and “best practice”?
- Is the jail in compliance with applicable jail standards?
- Does the jail have a designated legal counsel?
- Is the jail adequately insured?
- Do you keep comprehensive documentation covering all areas of jail operations?

\(^8\) For example, a major provision of the Prison Rape Elimination Act (PREA), a federal law passed in 2003, provides for the development of standards for the detection, prevention, reduction, and punishment of prison rape. Although the law refers to prisons, it applies to all federal, state, and local prisons, jails, police lockups, private facilities, and community settings such as residential facilities. PREA seeks to ensure that jails and other correctional settings protect inmates from sexual assault, sexual harassment, “consensual” sex with employees, and inmate-inmate sexual assault.
Characteristics of Facilities That Support Effective Jail Operations

An adequate facility is essential to effective jail operations. Features and characteristics of facilities that support safe, secure, and efficient operations include the following (Kimme, 1998):

- Adequate capacity with flexible housing arrangements that allow for proper classification of inmates and management of peaks in population levels.
- The availability of appropriate types of housing (i.e., single-occupancy cells, multiple-occupancy cells, dormitories) for the types of inmates held.
- Clear visibility into housing areas from fixed posts that facilitate constant, rather than intermittent, surveillance or supervision of inmates. Officers should have a clear line of sight into housing-unit day areas and cell fronts.
- Adequate living and working environment (lighting, temperature, air quality, sound levels, cleanliness, plumbing, etc.).
- Adequate space for intake, support services (including medical, food, laundry, and maintenance), inmate programs (including counseling, education, visitation, library, and exercise), administration, and storage.
- An efficient layout of rooms and spaces that support staff and accommodate the flow of activities and services.

- A clean and well-maintained space with appropriate fixtures, finishes, furnishings, and equipment.
- Space that is in compliance with life safety codes, health codes, workplace safety standards, and jail standards.

Capacity and Jail Crowding

Many jails across the country are experiencing crowding. The most common definition of crowding is when the jail population consistently exceeds design, or rated, capacity. However, symptoms of crowding may be apparent much earlier—once the jail reaches approximately 80 percent of rated capacity. At that level, properly housing and managing the diverse jail population begins to become much more difficult because compromises in the jail’s classification system occur. Compromising the jail’s classification capabilities is likely to lead to increases in violence, tension, and the availability of contraband. Basic functions (security, maintenance, sanitation, programs, recreation, etc.) begin to break down when they are stretched to their limit for extended periods of time due to crowding. These conditions increase the jail’s liability exposure and jeopardize the safety and well-being of both inmates and staff.

Ultimately, jail crowding is a community issue that requires an external response. The sheriff and jail administrator must make key decision-makers aware of the issue and work closely with
them to develop and implement strategies to manage the jail population. Rated capacities may be established for the jail by a state inspection program or other regulatory agency. If not, the sheriff should work with local officials to establish capacity limits for the jail and to keep the jail within these limits. Both internal and external population management strategies should be developed to deal with bedspace demands that exceed available capacity. Knowing the characteristics of the inmate population is key to population management because it enables the sheriff to identify target groups for whom alternatives may be appropriate.

Environmental Conditions, Sanitation, and Maintenance

The quality of the jail environment not only affects the health and well-being of those who occupy and work in the facility, but also influences their behavior. Poor conditions often lead to low morale of both inmates and staff, increased inmate health care costs, more disciplinary problems, higher levels of staff absenteeism and turnover, and an overall negative atmosphere. Attention to light and noise levels, temperature, air quality, plumbing, and sanitation can improve the overall quality of the jail environment as both a residential setting and worksite.

Unsanitary living and working conditions not only make for an unhealthy environment, but also communicate a lack of concern about the quality of the jail environment. The message conveyed is that sloppy work will be tolerated. Sheriffs are advised to make a clean jail a high priority. After getting an outside assessment of the current level of sanitation and correcting any identified deficiencies, the sheriff should develop a comprehensive sanitation plan for the facility and provide the resources necessary for its implementation. The sheriff’s office should then monitor the level of sanitation on an ongoing basis through a system of inspections.

Due to constant and hard use, jail facilities and equipment age almost 4 years operationally for every chronological year they are in service. Sheriffs should develop an effective preventive maintenance program for the jail and gain support from the funding authority by communicating the benefits of such a program.

Preventive maintenance will:

- Maximize the useful life of all building systems in the jail.
- Help the jail operate at peak efficiency.
- Prevent breakdowns of critical building systems.
- Maintain a safe and healthy environment for staff and inmates.
- Avoid costly repairs resulting from neglect or deferral of maintenance.

The sheriff should work with the jail administrator and funding authority to plan and implement a program of inspection, testing, servicing, repair, and/or replacement of building systems and components to achieve these goals. The availability of qualified and trained maintenance staff is an important consideration when considering the staffing needs of the jail. Inmate labor may also play a significant role in maintaining adequate levels of sanitation in the jail.
Review Checklist: Jail Physical Plant

- Does the population of your jail regularly exceed its design, or rated, capacity?
- Are there compromises in classification due to lack of bedspace for certain types of inmates?
- Can your jail maintain adequate separation of the various categories of inmates that must be housed separately?
- Is there agreement among key decisionmakers on the capacity of the jail?
- Does crowding in your jail affect sentencing decisions by the courts or decisions to detain by arresting authorities?
- Do key decisionmakers work collaboratively to keep the jail population within agreed-upon limits?
- Does your county have a long-range plan that identifies and addresses future detention needs for the community?
- Does the community perceive the jail to be a decent and safe environment for staff to work, inmates to live, and visitors to conduct business?
- Is the jail kept clean and in good repair?
- Does your jail have written sanitation and preventive maintenance plans?
- Is there a system of internal inspections to monitor the level of sanitation and maintenance in the jail on an ongoing basis?
Critical Aspects of Jail Operations

Adequate Jail Staffing

Adequate staffing is essential to effectively managed, safe, and secure jails. Jails with staffing deficits are more vulnerable to litigation, compromise community safety, and place both inmates and staff at higher risk of harm. Facilities in this situation also have a more difficult time providing programs and services to their inmates.

Adequate staffing means more than having the right number of staff members to run a detention or correctional facility. It also means placing well-trained staff into positions that are appropriately matched to their skills. Appropriate placement ensures that the staff can provide effective supervision and oversee the day-to-day operations of the facility.

Following are factors influencing the staffing needs of jails:

- **Population characteristics.** The number and type of inmates in a jail are significant factors. The security risks presented by inmates, their behavior while in custody, and any special needs (medical, mental health, etc.) all determine the level of supervision and staff involvement required. Inmates’ age, gender, and length of stay have implications for staffing as well.

- **Jail mission.** The jail’s operational philosophy is generally reflected in its mission statement. The mission expresses not only the facility’s legal authority and responsibilities, but also community values and beliefs. The emphasis placed on community values, along with the jurisdiction’s legal responsibilities, affects the level and type of programs and services offered in the facility.

- **Functions and activities.** Sufficient staff must be available to perform essential security functions in the jail, provide basic services to the resident population, and oversee the various programs and activities that are part of the daily routine.

- **Physical layout of the jail.** The physical layout of the jail affects where staff will be stationed, the number of staff required to supervise each area, and the number of staff needed to effect movement of inmates to services.

- **Method of inmate supervision.** Effective supervision requires that staff stationed in close proximity to housing areas regularly interact with inmates.

- **Standards and court decisions.** Standards and court decisions influence staffing requirements by establishing minimum levels of service or specifying particular operational practices and activities. Many state and professional standards address staffing directly.

Understanding these factors early in the process of planning new jails can lead to better, more efficient design decisions. In existing jails, careful analysis may open the door to other solutions that result in a better use of staff resources.
A staffing analysis is a process used to determine staffing needs in detention settings. It includes consideration of the factors listed above along with the identification of posts, coverage requirements, and staff availability (Liebert and Miller, 2001). The process results in a staffing plan and report that provide recommended staffing levels and estimated costs. Sheriffs are advised to find out whether the jail has had a recent staffing analysis and, if not, to have an analysis completed. The jail staffing plan should be updated at least annually and when any major changes occur in the primary factors that affect staffing.

**Recruitment, Selection, and Retention**

The turnover rate for jail staff across the country increased during the past decade. At the same time, the pool of potential new hires has dwindled. The cost of staff turnover is tremendous. Therefore, it is imperative that sheriffs develop practical strategies to recruit the best possible applicants, to select staff who are a good fit for the agency, and then to retain these staff.

Recruitment, selection, and retention are intertwined. Sheriffs who select and retain the right staff will find that their need to recruit will lessen. Recruiting the right staff improves selection and retention considerably.

**Recruitment**

The goal of the recruitment process is to locate and attract a diverse pool of qualified candidates. To increase the effectiveness of the recruiting process, a recruiting plan that includes the following elements may be helpful:

- **Recruiting committee** to assist and advise the jail administrator in the development of the recruitment plan.
- **Recruiting materials** such as brochures, posters, recruitment videos, and Internet Web sites. Obtaining assistance from marketing or public relations specialists within the jurisdiction will ensure that a consistent, effective message is conveyed through the various types of media.

- **Recruiting team.** Recruiting activities may be assigned to existing staff. Recruiters should reflect the desired diversity of the organization and be selected for their enthusiasm, job knowledge, professionalism, advocacy skills, public speaking skills, and public relations skills. They should be knowledgeable about personnel matters, the agency’s personnel needs, the selection process, training requirements, compensation and benefit plans, and career opportunities.

- **Recruiting strategies.** Effective recruiting strategies vary according to the types of positions being filled, the available labor pool, and a variety of other factors unique to each jurisdiction. The most effective plans use multiple strategies to develop the largest possible pool of qualified candidates.

There are a number of ways to attract media attention to the jail’s recruiting efforts at little or no cost. Examples include press conferences, feature stories, talk/news shows, public service announcements, and public appearances. Paid advertising is often a popular and effective means of recruiting. Content, timing, and placement are key ingredients to generating a large response through paid advertising venues. Some of the more traditional approaches include classified newspaper ads, television and radio ads, and brochures and posters placed at strategic locations in the community. Special events provide excellent opportunities to recruit. Some examples include job fairs, open houses, college career days, or local fairs or festivals.

**Selection**

The purpose of screening during the selection process is to assess an applicant’s suitability for
working in a jail environment and to determine whether the applicant’s skill sets match the requirements of the position being filled. Screening should serve to funnel applicants using job-relevant and legally defensible screening, interviewing, and assessment methods and tools. Screening out unqualified and unsuitable candidates early in the selection process allows more time and attention to be focused on the most qualified candidates. Assessment tools should be based on actual job requirements and administered in a consistent manner by trained individuals.

Many states have established minimum qualifications for jail officers. Sheriffs should be aware of minimum qualifications established by the state or jurisdiction and periodically review jail officer job descriptions to see that they are consistent with these requirements.

Screening and selection processes vary from one jurisdiction to another, but generally include some combination of the following elements:

- Written testing.
- Oral interviews.
- Background investigations.
- Physical testing.
- Selection.
- Psychological evaluations.
- Medical examinations.

Prospective jail staff should be subject to more than criminal-history checks. Complete background investigations—such as those conducted for law enforcement officers—should be conducted on every prospective employee.

**Retention**

Retention of quality employees is critical to effective jail operations. Turnover is tremendously costly to the organization in terms of lost productivity, employee replacement expenses, lost expertise, lower employee morale, and diminished quality of services.

To retain quality employees, sheriffs may need to develop a formal retention plan. The following strategies have been found to be effective:

- Recruiting people who are a good fit with the organization.
- Creating a positive work environment.
- Developing effective orientation, performance management, and coaching processes.
- Providing innovative compensation and benefit packages.
- Establishing a recognition and rewards program.
- Providing training and educational opportunities that improve job skills and provide career development.
- Establishing a mentoring program.
- Providing career growth opportunities.
- Providing an adequate, safe work environment.
- Conducting exit interviews to find out why employees leave.

A retention plan may involve a combination of these strategies. The success of the jail’s retention plan can be measured using the following indicators:

- Reduced turnover rates.
- Reduced absenteeism.
- Improved employee morale.
- Reduced numbers of disciplinary actions.
- Increased productivity.
Review Checklist: Adequate Staffing, Recruitment, Selection, and Retention

- Does your jail have a written staffing plan that is updated regularly?
- Are current staffing levels sufficient to provide full coverage of all posts, actively supervise inmates, and cover all essential jail functions? Are staffing levels sufficient to ensure inmate and staff safety and compliance with standards?
- Are both male and female staff available in the facility when both male and female inmates are housed?
- Are there written job descriptions for all positions?
- Is the jail able to recruit and retain qualified staff?
- Is the budget sufficient to address staffing needs?

Staff Training and Supervision

A good staff training and development plan is critical to effective jail operations. In fact, it may possibly yield more benefits to the organization than any other function. Effective staff training can improve consistency in operations, promote staff confidence and professionalism, improve morale, and reduce workplace stress, operational problems, and liability. Staff training contributes to effective operations by helping to ensure that staff:

- Understand and adhere to policies and procedures.
- Know what to do while on duty and how to do it.
- Know how to operate complex jail systems and equipment.

Staff training is not optional. It is the duty of the sheriff and jail administrator to properly train staff. To win a case, plaintiffs may need only to show a causal link between a constitutional violation and a reasonable assumption that it could have been prevented through training.

The goal of training is to change staff behavior to improve job performance. Although training needs for new employees are different from those for existing employees, the goal remains the same. With new employees, the focus of training is on building entry-level knowledge and skills in the core tasks the officer performs in the course of duty. With existing employees, the focus is on addressing deficiencies and performance issues identified through an individualized performance analysis. The jail’s training program must address the training needs of both groups to be of maximum benefit.

Following are recommended steps for implementing a jail training program:

- **Write a job description** for the training coordinator.
- **Designate a training coordinator.** In small agencies, this duty may be added to an existing position. Larger agencies may be able to justify filling the position on a full-time basis.
- **Provide training to the training coordinator.** The training should focus on developing coordination skills. The training coordinator, as the title implies, organizes the training and sees that it is delivered but may not necessarily do a lot of hands-on training.
- **Develop policies and procedures** for the training program.
- **Develop an annual training plan** that includes:
Training goals for the current year.

A summary of previous years’ needs and problems.

A list of topics to be addressed in the current year.

A proposed master schedule.

A total training budget.

A plan for evaluating the impact of training.

Implement the annual training plan.

Evaluate the results of the training provided.

The annual training plan should include basic training for new employees as well as inservice training for existing staff. It should address all job classifications in the facility. The sheriff can support the provision of training for jail staff by:

- Designating a training coordinator.
- Establishing a line item for training in the jail budget and including adequate funding in the jail’s budget request.

Assuring adequate access to training space and equipment.

Approving overtime and/or schedule changes to allow staff to attend training as necessary.

It is incumbent upon the jail administration to provide active, ongoing supervision of staff to ensure that the knowledge and skills developed in training are used in the jail and to ensure that staff are following the jail’s policies and procedures. The supervisory duties of the jail administration are often scrutinized in litigation against the jail. In defending against such challenges, the sheriff and jail administrator must be able to demonstrate that staff were performing duties in accordance with the training they received and that practices were consistent with policies and procedures. The combination of training and ongoing supervision also helps jail staff achieve competency and maintain it over time.

Review Checklist: Staff Training and Supervision

- Does your jail have a designated training coordinator?
- Are there adequate training staff, facilities, equipment, and materials?
- Is there a specific budget allocation for training?
- Does your jail have a formal, written staff training plan that is updated annually?
- Is your jail in compliance with preservice and inservice training requirements for all staff?
- Is all training provided and received thoroughly documented?
- Is there a formal, written system for assessing staff performance (performance appraisals)?
- Is there a supervisor or lead officer who is accountable and responsible for all staff and their actions on each shift?
Policies, Procedures, and Post Orders

The sheriff has a duty to provide direction to the staff about how the jail is to be operated. Accordingly, jails should have a written policies and procedures manual developed specifically for the facility and consistent with the jail’s mission and goals. The manual should be comprehensive, addressing all aspects of jail operations. It should conform to current case law, professional practices, statutes, state standards, and the operational capabilities of the organization and should reflect the sheriff’s own philosophy. Staff should receive training in policies and procedures, and copies of the manual should be readily available to staff for use as a reference. The policies and procedures manual should be reviewed and updated at least annually and whenever major operational changes are made.

Post orders detailing the responsibilities and tasks for each post and position included in the jail staffing plan should also be prepared and implemented in the same manner as operational policies and procedures. The policies and procedures manual provides staff direction for what is to be done, why it is to be done, and how it is to be done. Post orders detail what specific tasks are to be done, when they are to be done, and who will do them.

Written policies and procedures offer a number of benefits for the jail and its operation. They serve to:

- Provide clear direction to staff on operations.
- Communicate the organization’s mission and values and the sheriff’s philosophy to staff.
- Promote consistency, efficiency, and professionalism by standardizing how staff carry out their duties.
- Provide the basis for on-the-job staff training.
- Provide protection for the jurisdiction against liability when individual acts can be shown to be outside what is prescribed in the policies and procedures.
- Facilitate compliance with standards and other legal requirements.

The sheriff can help the jail administrator develop and implement policies and procedures by:

- Clearly communicating his/her values and philosophy so they may be reflected in the written directives.
- Supporting requests for resources needed for the development and implementation of the policies and procedures and helping to secure a legal review of the directives by the county counsel.
- Supporting efforts to monitor compliance and keep the policies and procedures current through ongoing monitoring and annual review.
- Facilitating review of the policies and procedures by the jurisdiction’s legal counsel.
Review Checklist: Policies, Procedures, and Post Orders

- Does your jail have a written policies and procedures manual developed specifically for your facility? Is the manual up to date?
- Is the policies and procedures manual comprehensive, covering all aspects of your jail’s operation?
- Is the manual reviewed and updated at least annually?
- Have the policies and procedures been reviewed by your jail’s legal counsel?
- Have staff been trained in the policies and procedures?
- Is there a process in place to verify that policies and procedures are being followed on all shifts?
- Does your jail have written post orders for key posts and positions within the facility?
- Are staff trained in the post orders for the posts to which they are assigned?
- Are post orders reviewed and updated as applicable policies and procedures, schedules, or other aspects of your jail’s operations are changed?

Jail Security

The primary goals of jail security are to prevent escapes and institutional violence and to maintain order within the facility. Security in jails is established through a combination of appropriate staffing, adequate facilities, and well-defined operational procedures.

A jail’s security requirements are determined by its mission and the types of inmates housed in the facility. The security capabilities of jails are defined by such factors as internal design and layout, perimeter security features, facility capacity, construction method and materials, type of security equipment, staffing pattern, and operations. Effective security depends on a good match between the jail’s security capabilities and the custody level of the inmate population.

The basic elements of effective jail security include:

- **Perimeter security.** Effective perimeter security prevents inmates from escaping the secure area of the jail and prohibits unauthorized access by the general public. The security perimeter is the barrier between the secure area of the jail and the outside world.

  The barrier must be constructed of materials that cannot be easily breached and must be maintained in good repair and working condition. To prevent unauthorized access, the jail should have a facility access policy that governs entry into the facility.

- **Monitoring and communication.** There should be a means to monitor the overall security of the jail. This includes ongoing monitoring of audio and video electronic surveillance systems, life safety and security systems, electrical and mechanical building systems, and general movement within the facility from a central control post.

  Communication between members of the jail staff is also vital to security. Jail communications systems typically include internal telephones or intercoms connecting each jail post and a control center post, intercoms or call boxes strategically located throughout the facility, portable radios carried by individual staff, and personal alarm devices.

- **Inmate well-being checks and counts.** Jail staff must be able to account for and assure the well-being of inmates at all times. This is accomplished through a system of inmate
well-being checks and counts. The presence of staff in inmate-occupied areas is the most effective means of assuring the well-being of inmates. Good practice dictates that all inmates in the general population be viewed by staff in person at least every 30 minutes on an irregular schedule. Persons who are violent, mentally ill, intoxicated, or have other special problems warranting closer supervision require more frequent checks.

The jail should also have a system to physically count inmates to verify that all inmates in custody are present or otherwise accounted for. Counts should occur on a regular, routine basis and when there is some indication that inmates may be missing.

**Searches and contraband control.**

Searches in jails are operational strategies used to control contraband and detect conditions that adversely affect the security and well-being of both staff and inmates. Jail policies and procedures should detail criteria and methods for searches of inmates and their personal property, other persons having access to the jail, vehicles, and the facility.

**Control of equipment and supplies.**

Jail staff must be able at all times to account for and control access to keys, weapons, tools, equipment, and supplies used in the jail. Failure to do so can potentially provide inmates access to materials that can facilitate their escape or result in harm to themselves, staff, or the public.

**Use of force and restraints.**

To maintain security and order in the jail, it is sometimes necessary to use force, security equipment, and/or restraints to control an inmate or a group of inmates. The use of force and restraints as security measures must be balanced against the jail’s obligation to safeguard the individual rights of inmates.

**Inmate movement and transportation.**

Inmate movement includes movement of inmates internally from one area of the jail to another to access services, participate in programs, and receive visitors. It also includes the external transport of inmates (generally by agency vehicle) outside the security perimeter for a court appearance, transfer to another facility, or appointments in the community. The jail should establish procedures to respond to the increased security risk presented by inmates during either type of movement.

**Security inspections.**

Inspections are an integral part of the jail’s security program. They provide a systematic method to evaluate the condition of security features of the physical plant, the proper function of security devices, and adherence to appropriate security practices. The process should provide for regular inspection of all areas of the facility, including inmate housing, program areas, support services areas, intake and release areas, administrative areas, the public lobby, parking areas, the exterior grounds, the security perimeter, and mechanical services and shop areas.

If there are questions or concerns about jail security, the sheriff should seek a comprehensive security audit of the jail. Such an audit will uncover deficiencies in facilities, systems, equipment, or practices that may adversely affect security in the jail. Action plans should then be developed to resolve deficiencies.
Review Checklist: Jail Security

- Does the jail have a physically secure perimeter separating inmate-occupied areas from the outside world?
- Are all security devices and features operable and in good repair?
- Are all monitoring and communications systems adequate and in good working order?
- Do the locations of staff posts allow staff to observe and manage inmate behavior effectively?
- Does the jail have a system for physically counting inmates to verify that all inmates are in custody or otherwise accounted for?
- Are staff required to conduct and document frequent well-being checks of inmates?
- Does the jail have written policies and procedures governing searches of inmates, property, visitors, the facility, and vehicles?
- Does the jail have adequate provisions for the control of contraband?
- Does the jail have adequate provisions for the proper storage and controlled use of keys, weapons, tools, equipment, supplies, and hazardous materials?
- Does the jail have adequate written policies and procedures governing the use of force and restraints?
- Are security inspections conducted on a regular basis? Is there a supervisory review of inspection findings and prompt corrective action taken to address issues?

Jail Safety

The sheriff has a responsibility to provide a safe jail setting for staff, inmates, and others who visit or use the facility. The primary goal of safety in the jail is to protect inmates, staff, and the public from harm. This goal is achieved through the identification and management of risks to the safety and well-being of jail occupants and the community. These risks include not only those unique to the jail environment, such as inmate assaults or violence, but also risks inherent in any residential and work setting (e.g., accidents, disease, natural disaster).

The sheriff should establish a safety program that provides comprehensive protection against potential hazards and specific protection against known hazards. Elements of an effective safety program include the following:

- Management commitment and employee involvement.
- Assigned responsibility and authority.
- Worksite analysis.
- Hazard prevention and control.
- Written policies and procedures.
- Safety and health training.
- Internal inspections by trained staff and independent inspections by external auditors.
- Recordkeeping and evaluation.

Support by the sheriff and jail administrator provides the motivating force and resources necessary for organizing and managing safety activities within the jail. Executive officials must regard the safety of inmates, staff, and visitors to the facility as a fundamental value of the organization.
The first step in improving jail safety is a comprehensive safety audit to identify safety hazards and develop strategies to eliminate, minimize, or control them. A safety program should be developed for the jail and a safety officer designated to oversee the program. The sheriff should provide the leadership and resources necessary for the safety program to be effective.

**Review Checklist: Jail Safety**

- Has a safety officer for the jail been designated and trained?
- Has a recent worksite analysis been conducted to identify potential safety hazards?
- Is the jail in compliance with applicable safety standards (jail standards, fire codes, building codes, Occupational Safety and Health Administration regulations, etc.)?
- Does the jail have written policies and procedures to govern the safety program?
- Is the jail’s safety record satisfactory?
- Does the jail have a system for routine inspections conducted by designated jail staff to identify potential hazards?
- Do staff receive adequate training on safety issues and control measures?
- Are inmates made aware of their responsibilities with regard to safety?

**Emergency Preparedness**

Despite efforts to maintain a safe and secure environment, emergencies can arise. An emergency is any significant disruption of normal facility routine or order caused by a riot, an escape, a fire, a natural disaster, or some other serious incident. Emergency situations can result in serious harm to people and property.

Emergency preparedness in jails:

- Risk assessment and control to identify the types of emergencies that could occur in the jail and to implement appropriate control measures.
- Organization and coordination of emergency response to provide a clear process for decisionmaking, assignment of staff, and deployment of resources during an emergency.
- Emergency plans to direct the actions of jail staff in containing and controlling emergencies, and to provide for the protection of staff, inmates, and visitors during emergencies.
- Equipment and resources to effectively respond to emergency situations and carry out emergency response plans.
- Training and drills to train staff in the execution of emergency plans and in the use of emergency equipment and devices.
- Recovery to provide for the return to routine operations once an emergency is over.

A comprehensive emergency response plan is the foundation of emergency preparedness. An effective plan should include the following components:
■ **Reporting** to document critical events and actions associated with the emergency.

■ **Review** to provide a systematic means of ascertaining all the pertinent facts about the emergency situation.

The sheriff should seek an assessment if there are questions about the jail’s emergency preparedness. Such an assessment will identify deficiencies or weaknesses in the jail’s emergency response capabilities. Action plans should then be developed to resolve deficiencies.

---

**Review Checklist: Emergency Preparedness**

- Does the jail have a comprehensive, written emergency response plan? The plan should include the following:
  - Assessment and control strategies.
  - An organizational structure for emergency response.
  - Interagency coordination.
  - Written emergency plans for a range of predefined emergencies.
  - Evacuation plans, including arrangements for designated evacuation sites.
  - Appropriate equipment and resources.
  - Training and drills.
  - Recovery plans.
  - Reporting and documentation.
  - Critical incident review.

- Does the jail have the necessary emergency systems, equipment, and resources in place and operational? These should include:
  - Communications.
  - Alarms.
  - Fire detection and suppression.
  - Emergency generators.
  - Emergency keys.
  - Protective equipment.
  - Floor plans and related information.
**Inmate Behavior Management**

Management of inmate behavior is a key component of safety, security, and the overall effective operation of the jail. If inmate behavior is effectively managed, jails can be a good workplace for staff, a safe and clean detention environment for inmates, and a valuable and highly regarded service to the community. The sheriff and jail administrator should view managing inmate behavior as the primary function of the jail.

Historically, jails have focused on physical containment as a means of maintaining security. Staff safety was believed to depend on maintaining physical barriers between staff and inmates. Accordingly, staff-inmate interaction was minimized. Unfortunately, this approach resulted in many of the problems commonly associated with jails, such as assaults, suicides, vandalism, contraband, unsanitary conditions, and inmate misconduct.

These problems are minimized when staff continuously and actively supervise inmates, set clear expectations for behavior, and hold inmates accountable for their behavior. In addition to maintaining a secure physical environment, staff management of inmate behavior is essential to achieving safety and security in the jail.

An integrated approach to inmate behavior management includes six essential elements:

- Assessing the risks and needs of each inmate at various points during his/her incarceration.
- Assigning inmates to housing.
- Meeting inmates’ basic needs.
- Defining and conveying expectations for inmate behavior.
- Actively supervising inmates.
- Keeping inmates occupied with productive activities.

**Assessing Risks and Needs**

The risk and needs assessment, also called inmate classification, lays the foundation for inmate behavior management. Information gathered in this assessment is used to classify the inmate and develop a strategy for managing his/her behavior while in the facility. An effective classification system is objective, straightforward, and easily understood and implemented by staff. It is based on a consistent set of criteria and a systematic method of applying the criteria to classification decisions.

Inmate risks and needs must be assessed at various points during incarceration. During booking and intake screening, arrestees are first screened to determine their fitness for confinement. Once accepted into custody, the inmate is further screened to determine how he/she should be managed in the booking room. The booking and intake screening process identifies and responds to critical issues related to the information gathered.

The next assessment takes place when the decision is made to admit the inmate into the jail and assign him/her to housing. This is an indepth assessment that provides the basis for decisions about how to best manage the inmate’s behavior while in jail, the inmate’s housing assignment, the level of supervision, and access to services and programs.

The inmate’s risk and needs should be reassessed at regularly scheduled intervals and when new information is received. This reassessment ensures that staff can respond to changing circumstances affecting inmates.

Inmate classification should be a formal, documented process that is reliable, valid, and equitable. The sheriff should work with the jail administrator to establish detailed classification policies and procedures and assign trained staff to conduct the process. Adequate supervision of
classification staff is important to ensure that they implement the system according to policies and procedures.

Assigning Inmates to Housing
Assigning inmates to appropriate housing based on a well-thought-out plan is a second essential element of effective inmate behavior management. Information gathered during the risk and needs assessment serves as the basis for assignment of housing. Each jail should have a housing plan that describes how bedspace within the jail is to be used. Housing plans are based on the following factors:

- The characteristics of existing bedspace, including the number of housing units, the number of beds within each unit, the configuration of the units, and the level of physical security in each unit.
- The level of supervision in each housing unit.
- The overall breakdown of risk and needs of the inmate population, including compatibility factors and security threat status.
- The number of inmates within each classification.

In addition to describing how space will be used for the general population, the housing plan must also designate space for separating inmates in disciplinary detention, protective custody, and other special designations. If the jail is not able to meet the housing requirements of the population served, it may include provisions for housing certain types of inmates in other jurisdictions.

A carefully developed housing plan helps ensure that:

- Inmates are placed where they can be best managed.
- Groups of inmates that must be separated by law are kept separate.

- Inmates that must be separated for safety and security reasons are kept separate.

Meeting Inmates’ Basic Needs
A third element of effective inmate behavior management is meeting inmates’ basic needs, which are no different than those of all human beings. In the jail, these include physical needs such as adequate food, medical care, hygiene, and physical exercise. Providing a safe, clean, and healthy environment also is vitally important. As with all people, inmates have basic safety needs; they wish to be protected from illness or injuries resulting from an assault or unsafe environmental conditions. The social needs of inmates include maintaining contact with family and friends and positive interaction with others in the jail environment. The jail should provide mail, telephone, and visiting services as well as opportunities for positive interaction with other inmates and staff.

If the jail does not meet the inmates’ basic needs, it cannot be a safe environment. Inmates who are angry form gangs and can pose a threat to safety. Staff who work in an environment where their own basic need for safety is not met often resort to counterproductive ways to meet this need. They may resign, avoid interacting with inmates, carry weapons, or physically abuse inmates as a way to establish their authority. Such practices exacerbate the already-dangerous conditions in the jail—conditions that can quickly become deadly for staff and inmates.

Defining and Conveying Expectations for Inmate Behavior
The staff’s expectations for inmate behavior and the way these expectations are conveyed have a powerful influence on how inmates act. Historically, jail staff have expected inmates to be uncooperative, destructive, aggressive, violent, and manipulative. Staff have communicated these expectations by avoiding interaction with
inmates, adopting a negative demeanor when they do interact with inmates, and accepting negative inmate behavior as normal. It is important to set high, but attainable, expectations for inmates and then ensure that the inmates have the means to comply. Once acceptable inmate behavior is defined, the jail must convey its expectations to the inmates.

Jails convey their expectations for inmate behavior both directly and indirectly. Most jails develop a handbook for inmates that not only gives information about jail schedules, procedures, and services, but also includes rules for the inmates. These rules include a description of sanctions if rules are broken and a description of the jail’s disciplinary process. Staff can indirectly demonstrate that they expect inmates to behave well by interacting extensively with them, treating them with respect and consideration, and ensuring that inmate living areas are maintained in good order.

The jail environment should be such that it is in the inmate’s self-interest to meet behavior expectations. Housing units for inmates who behave well and do not pose high-level security risks should allow for easy access to basic necessities, services, and programs. Staff should promote positive inmate behavior with incentives ranging from a simple “thank you” to an inmate who has done a good job cleaning his cell to special rewards for accomplishing extra tasks within the housing unit.

Conversely, there should be disincentives for negative inmate behavior. Such disincentives include removal from the housing area, lockdown within the housing unit, lockdown within a disciplinary unit, loss of the right to participate in programs, and loss of commissary privileges. The jail should have a formal, clearly articulated disciplinary process so that both staff and inmates are aware of the rules and the consequences of rule violations.

Supervising Inmates

The fifth element of effective inmate behavior management is supervising inmates to hold them individually accountable for their behavior. To do this, staff must interact with inmates. Such interaction has a clear purpose: to encourage positive inmate behavior and compliance with the jail’s rules.

In their interactions with inmates, jail staff must exercise the skills of a good supervisor. These skills include effective decisionmaking and problem solving and the ability to communicate, listen, provide direction, and motivate. Jail staff must treat all inmates fairly. Staff must be able to detect and solve small problems before they become crises. They should be able to devise strategies to ensure that the inmate housing unit is safe, clean, quiet, and orderly and then determine the effectiveness of these strategies through inspection and documentation. It is essential that each staff member serve as a positive role model for inmate behavior. In addition, staff must demonstrate a thorough knowledge of jail policies and use their supervisory skills to establish their authority in the housing unit. All staff should be respectful in their interaction with inmates and should expect the same in return.

The effectiveness of staff supervision is affected by several factors:

- The physical plant.
- Staffing levels.
- Staff placement within the facility.
- Staff behavior.
- The level of administrative commitment to staff interaction.

Each of these factors can be either fixed or variable. For example, if the physical plant is a barrier to supervision of inmates, and the physical plant cannot be changed, the jail can still increase supervision of inmates by changing the
expectations for the level and type of staff interaction with inmates. If the number of staff cannot be increased for political or budgetary reasons, rethinking the placement of staff can enable a jail to more actively supervise its inmates. The sheriff should work with the jail administrator to assess the extent to which the factors listed above impede staff interaction and then develop strategies to decrease barriers created by one or more of these variables.

Although following these recommendations for inmate supervision may represent a major change in current jail operations, significant improvements in inmate behavior will result. The staff will benefit too; they will begin to feel safer at work and more positive about their jobs. As they hone their supervisory skills, many staff members will gain a greater sense of professional fulfillment.

**Keeping Inmates Productively Occupied**
A final element of effective inmate behavior management is keeping inmates occupied with productive activities. This may include assigning inmates to work or providing a range of structured and unstructured activities for inmates both inside and outside the housing unit.

Productive activities provide a powerful incentive for inmates to maintain positive behavior. When they have access to meaningful activities and continued access is based on the appropriateness of their behavior within the jail, inmates are strongly motivated to behave according to expectations. Providing access to activities gives staff a tool with which to reward positive behavior and enforce consequences for negative behavior, thereby, enhancing their ability to supervise and manage inmate behavior. If the jail does not provide inmates with productive activities, they will find other ways to fill their time, often through activities that are destructive and contrary to the jail’s mission of providing a safe and secure environment.

Sheriffs should assess the extent to which inmate behavior is being effectively managed in the jail. To place control of the jail firmly in the staff’s hands, sheriffs should develop and implement a comprehensive plan that incorporates the six elements of effective inmate behavior management.

---

**Review Checklist: Inmate Behavior Management**

- Does the jail have a procedure for systematically screening inmates on admission to determine security and safety risks and to identify the need for special services or supervision?
- Are intake staff provided training in the screening process and the use of screening instruments?
- Does the jail have a formal, written classification process to determine housing assignment, supervision requirements, and program eligibility?
- Is there a housing plan that provides for housing assignment and management of inmates based upon behavior, compatibility, and legal mandates or standards?
- Are inmates provided a formal orientation to the jail upon admission?
- Does the jail have an inmate handbook that outlines rules, expectations for inmate behavior, and consequences for rule violations?
- Are there enough staff to provide adequate inmate supervision on all shifts?

*Continued on next page*
Inmate Discipline and Grievance

Inmate Discipline and Grievance

Fundamental fairness in the treatment of inmates is an essential aspect of effective jail operations. It rests primarily in the inmate discipline and grievance processes.

Discipline is the ongoing correction of undesirable behavior, which includes coaching inmates to improve marginal behavior, positively reinforcing their positive behavior, and administering appropriate consequences for negative behavior. It is critical that the disciplinary process be fair from both a legal and operational standpoint. Inmates must be fully informed of the rules and the sanctions for violating the rules. The rules should be upheld consistently over time and from inmate to inmate.

Disciplinary policies and procedures must be carefully crafted to meet basic due process requirements and ensure fairness. A clearly defined disciplinary process can be a positive tool in regulating inmate behavior and can reduce the jail’s exposure to potential liability for violations of due process.

Fundamental fairness involves providing inmates with the opportunity to air and resolve grievances. The jail’s grievance process plays an important role in establishing a fair and just environment and, therefore, is an essential part of the jail’s overall behavior management scheme. A viable grievance system benefits both inmates and the jail in the following ways:

- Relieves tension by providing inmates with a way to resolve real or perceived problems arising from their incarceration.
- Provides a formal means of conveying information between inmates and the jail administration.
- Highlights potential weaknesses in facilities or operations.
- Provides an effective way for the jail administrator to spot trends and assess overall operational performance.
- Provides a means for the administrator to assess the jail climate.
- Provides an alternative to the filing of a lawsuit to resolve issues.

The jail’s grievance system should be governed by written policies and procedures that define the kinds of issues appropriately addressed through this process and provide specific guidance in the filing, investigation, response, and documentation of grievances. If the process has credibility, inmates will use it to resolve complaints rather than act out in inappropriate ways. By providing an administrative remedy, the grievance process may also reduce the level
of litigation and potential liability for the jail. Indeed, the federal Prison Litigation Reform Act of 1995 requires inmates to exhaust administrative remedies through the jail’s grievance system before litigation can proceed in federal court.

Review Checklist: Inmate Discipline and Grievance

- Does your jail have a formal, written inmate disciplinary process?
- Are inmates made aware of the jail rules, expectations, and possible sanctions for violations?
- Are rules enforced consistently and fairly?
- Does your jail have a formal, written inmate grievance process?
- Are inmates made aware of the grievance process and procedures for filing a grievance?

Special Management

The ability to temporarily isolate inmates who are a threat to security, who are a danger to themselves or others, or who have other special needs is essential to the safe and secure operation of the jail. The jail’s behavior management plan should include provisions for the separate housing and management of inmates who require temporary segregation from the general population. By definition, these are inmates who require special attention, including closer supervision and access to services more specialized than can be provided in general population housing. Deciding to place inmates in special management and determining the conditions under which they are housed involve important considerations in the area of due process.

Special management generally includes three categories:

- **Disciplinary detention.** Disciplinary detention is used to segregate inmates either detained for or found guilty of violations of the inmate rules and regulations. Inmates who are accused of committing serious rule violations, who are disruptive, or who are a threat to the safety and security of the jail may also be temporarily segregated, pending a hearing.

- **Administrative segregation.** Administrative segregation is used for inmates who, for a variety of reasons other than discipline, must be separated from the general population. Those segregated may include:
  - Inmates who, through their threats or actions, present a clear danger to other inmates, staff, themselves, or the security of the jail.
  - Inmates who have communicable diseases or need to be isolated for other medical reasons.
  - Inmates who cannot function appropriately and safely in the general population due to mental health problems or developmental disabilities.

- **Protective custody.** Protective custody is used for inmates requesting or requiring protection from inmates in the general population. It may include inmates who are resented by the other inmates due to the nature of their criminal charges, codefendants who may testify against other inmates, or inmates who are unable to adjust to living with others and may be the target of assaults.

The jail may house all three categories of inmates in the same area. However, the privileges of
inmates in segregation may be quite different from those of inmates in disciplinary detention. Because placement in administrative segregation or protective custody is not intended to be punitive, programs and services provided to inmates in these categories should approximate (to the extent possible) those available to the general population. On the other hand, the programs and services provided to inmates in disciplinary detention, while still fulfilling basic personal needs, may be much more limited.

Inmates cannot be placed in special management arbitrarily. Due to the loss of liberty and other restrictions inherent in segregation, inmates must be afforded basic “due process” when placement in special management is being considered. With this in mind, the sheriff and jail administrator should establish written policies and procedures for making such placement decisions and should ensure that these decisions are implemented through the jail’s classification or disciplinary systems.

The safe and effective operation of special management housing areas within the jail includes the following key elements:

- Effective behavior-based classification systems.
- Written policies and procedures.
- Appropriate staffing.
- Effective inmate supervision.
- Thorough documentation.
- Appropriate management, monitoring, and oversight.

Attention to these key elements will enhance the overall safety and security of the jail and ensure the fair treatment of inmates segregated from the general population.

**Review Checklist: Special Management**

- Does the jail have written policies and procedures governing the management of inmates in administrative segregation, protective custody, and disciplinary detention?
- Does the jail have a separate housing area for special management inmates?
- Do the conditions in the special management housing area approximate those of the general population housing areas?
- Have staff received training in the management and supervision of special management inmates?

**Inmate Services**

Jails must provide certain basic services to maintain the health and well-being of those in custody. These services provide the essentials of daily living such as food, health care, clean clothing and linens, personal hygiene resources, exercise, and communication with the outside world.

**Food Services**

The goal of food services should be the provision of nutritionally adequate meals each day that are reasonable in cost and produced and served under sanitary conditions. The importance of food service in the overall operation of the jail should not be underestimated. Whereas food service itself is an ongoing function essential to inmates’ health and well-being, the quality of food service has a significant impact on the
jail climate. Food takes on an exaggerated importance in the daily lives of inmates.

**Medical and Mental Health Care Services**
Adequate health care services are essential to the well-being of inmates and should be viewed as a basic human right and as the responsibility of the jail. Health care services not only serve the individual’s needs, but also prevent the spread of disease within the facility. Every jail should have a written health care plan that provides for the identification, treatment, and/or referral of both emergency and nonemergency medical and mental health problems.

**Inmate Clothing and Linens**
The jail is responsible for providing adequate clothing and linens for inmates. Clothing provided to inmates should be in good repair, clean, and properly sized. Inmates assigned to work details should be provided with protective clothing and gear appropriate to the assignment. Inmates not released at intake must also be provided with appropriate bedding and linen. A typical issue includes a mattress (constructed of fire-retardant material that is easily sanitized), sheets, one or more blankets appropriate to the season, a pillow, a towel, and a washcloth.

**Laundry Services**
To maintain adequate levels of sanitation and prevent the spread of disease, the jail must provide laundry services. Clothing, linens, and bedding of all inmates must be laundered when tendered at inmate release and before being reissued. Clothing and linens must also be laundered on a regular schedule.

**Inmate Personal Hygiene and Grooming**
The jail has a responsibility to provide inmates with the resources necessary to maintain personal hygiene. Proper hygiene not only promotes the health and well-being of the individual, but also helps prevent the spread of disease to other inmates and staff. Additionally, good grooming enhances morale and the attitudes of both staff and inmates. A personal hygiene program should provide for the daily care of the skin, hair, and teeth. Equipment and supplies should be made available on a scheduled basis for personal grooming and hygiene.

**Inmate Visits**
The jail must provide inmates with the opportunity to maintain contact with persons outside the jail through personal and professional visits. Professional visits with attorneys, bondsmen, investigators, probation and parole officers, examiners, the clergy, and the news media are generally considered a right. Therefore, restrictions on these types of visits can be imposed only with substantial justification. Although inmates should be allowed personal visits with family and friends within a reasonable jail schedule, jail officials generally have more latitude in placing restrictions on personal visits for security and disciplinary reasons.

**Inmate Mail and Telephone Services**
The jail also provides mail and telephone services to enable inmates to maintain contact with persons in the community. Jail administrators must distinguish between what is and is not considered privileged communication. Whether by telephone or mail, communication between inmates and their attorneys, the courts, probation officers, the media, and certain public officials is privileged. Communication between inmates and their family and friends is considered nonprivileged. Inmates generally have a right to confidentiality in privileged communications, but other communications can be constitutionally monitored as long as the inmate is given notice that such monitoring may take place.
Inmate Exercise and Recreation

Active indoor and outdoor exercise is important to the physical and mental well-being of inmates and to facility security. Outdoor exercise is especially beneficial because of exposure to fresh air and sunlight and because it provides a temporary (supervised) release from confinement within the building. In addition to being beneficial to inmate health, the availability of outdoor and indoor exercise may result in fewer operational problems such as inmate-on-inmate assaults, inmate assaults on staff, damage to jail property, and lawsuits. The provision of indoor and outdoor exercise in jails is generally required by case law and standards.

Most jails also provide for passive recreational activities to reduce boredom and idleness. These may be unstructured dayroom activities such as table games, reading, radio, and television or organized activities such as arts and crafts, educational classes, movies, or other entertainment. Reading materials available to inmates are generally provided through library services at the jail.

Inmate Commissary Services

Although not generally obligated to do so, many jails provide commissary services. The commissary gives inmates the opportunity to purchase various items or amenities not otherwise provided by the jail. These items help to break the monotony of the jail diet and routine and provide access to a few “extras” that contribute to a more normalized environment. A commissary may also reduce jail costs, in that it provides a means for inmates to purchase items that the jail might otherwise be obligated to provide for free. Items that are typically available through the commissary include personal hygiene products, over-the-counter medications, stationery, postage stamps, playing cards, and snacks.

Inmate Programs

Beyond basic services, many jails elect to provide a range of self-improvement programs and other opportunities to help inmates make constructive use of their time. These programs help inmates with problems and assist in their reintegration to the community.

Inmate programs are important to the overall management of jails and to the community as well as to inmates. Programs keep inmates busy, establish expectations, provide goals, and help inmates recognize their potential for growth. Programs enable inmates to learn useful skills, continue their education, overcome substance abuse problems, improve their mental health, receive spiritual guidance, improve parenting skills, work on anger and stress management, and ultimately learn to change antisocial and criminal behavior.

Programs also reduce vandalism, violence, and other misbehavior. The community benefits by having the offender leave the jail setting better prepared to live and work as a contributing member of society.

Education and Personal Development

Education and personal development programs focus on developing basic knowledge and skills in a variety of areas, including:

- Adult education (tutoring and testing for the General Equivalency Diploma).
- Literacy.
- English as a second language.
- Computer literacy.
- Health and nutrition.
- Employment (job seeking, career counseling, interviewing, etc.).
■ Parenting.
■ Domestic violence.
■ Life skills.
■ Behavioral change (self esteem, anger management, decisionmaking, stress management, etc.).
■ Educational requirements for juveniles.

Counseling
With the help of volunteer organizations and professional service providers, jails may offer counseling programs intended to help inmates deal with emotional and behavioral problems. Programs of this type may include group and/or individual counseling in the following areas:

■ Mental health.
■ Chemical dependency.
■ Family relationships.
■ Spirituality.

Religious and Spiritual Programs
Inmates must be afforded the basic right to worship and given access to religious materials, unless doing so constitutes a justified threat to the security and order of the facility. Effective religious programs in jails often go beyond providing for these basic rights to address many of the spiritual, social, and personal needs of inmates. Religious/spiritual programming often includes:

■ Group worship.
■ Religious instruction.
■ Distribution of religious literature.
■ Individual and group spiritual counseling.
■ Social help to inmates and their families.

Work Programs
Work programs provide a productive outlet for inmates and give them the opportunity to learn new job skills and establish positive work habits. Compensation for some jobs can provide restitution to victims or help support the inmate’s family. Inmate labor can also reduce staffing needs for specific support services and may be a source of revenue for the jail. Jail work programs may include:

■ Work release.
■ Inmate worker programs.
■ Public works.
■ Jail industry programs.9

Identifying Community Resources
A range of services and programs responsive to the interests and needs of inmates is critical to effective jail operations. Attention to this area can lead to improved behavior and a more relaxed environment for both inmates and staff. Survey the community to identify resources that could be used to enhance jail services and programs. Develop cooperative agreements with other local government agencies and community service organizations to provide their services to inmates. These services could include health and mental health care, employment assistance, and substance abuse programs.

---

9 Jail industries are not just for large jurisdictions. There are many opportunities for small jails to develop and operate jail industry programs as well. Miller, Sexton, and Jacobsen (2002) have developed a workbook that includes an introduction to jail industries, key development principles, components of the development process, and a step-by-step guide to planning and implementation.


**Review Checklist: Inmate Programs**

- Are essential services (medical and mental health care, food, laundry, personal hygiene, etc.) available to meet inmates’ basic needs?
- Are visitation, mail, and telephone services available to provide inmates the opportunity to maintain contact with family and friends?
- Is a range of programs (Alcoholics Anonymous, education, substance abuse, job readiness, etc.) available to assist inmates in self-improvement and successful reintegration into the community?
- Are efforts (exercise, library materials, passive table games, work programs, etc.) made to reduce idleness and keep inmates productively occupied?
- Are efforts made to involve community service agencies in developing and providing programs for inmates in your jail?
- Does your jail provide suitable space, equipment, and supplies for services and programs?

**Intake and Release**

The intake and release processes are essential to the safe operation of the jail. If not handled properly, these processes pose a greater risk of liability than any other aspect of jail operations. Intake and release functions clearly distinguish jails from prisons and other correctional settings. The jail intake unit is a round-the-clock operation that handles an extremely diverse population. Arrestees presented for jail intake may be under the influence of drugs or alcohol, be mentally ill, or have infectious diseases. Their behavior may run the gamut from violent to subdued and withdrawn. A majority are pretrial admissions with charges ranging from minor misdemeanors to serious felonies. Although some arrestees end up being detained in jail for lengthy periods of time, most are released within a day or two.

These factors present unique management challenges, some of which (e.g., disruptive behavior, suicide risk, infectious disease, substance withdrawal) may require the use of force and restraints or placement into special holding. The intake process also involves a number of legal issues, such as access to the courts, access to health care, and strip searches. Additionally, the process of preparing arrestees for placement in the general population involves several steps, including identification, securing property, classification, and medical screening.

Although the release process is typically less intense, it is no less important. The release process includes positive identification of the inmate, a check for holds or detainers, victim notification, medical referrals for inmates with special needs or conditions, and the return of property.

The jail should have clearly defined policies and procedures to guide the intake process. The key elements of the intake process, presented in the sequence they generally occur, are as follows:

- **Receiving inmates** into the intake area.
- **Verification of arrest and identification** of the arrestee to ensure a legal commitment.
- **A preliminary medical assessment** to determine fitness to confine.
- **An initial search** for weapons and other contraband missed by arresting officers during their field search.
- **A medical screening** to identify infectious diseases, mental illness, and other nonemergent medical conditions or injuries so that
these may be treated and those who cannot
be placed in the general population can be
properly housed and supervised.

- **Inventory and disposition of inmate
  property.**

- **Inmate booking** to document the identity
  of the arrestee, personal data, and other
  essential information regarding pending
  legal matters.

- **A photograph and fingerprint** of the
  arrestee to establish and confirm his/her
  identity.

- **A check for warrants** or wanted notices
  from other jurisdictions in order to hold the
  arrestee on other charges, should they exist.

- **Telephone calls** for arrestees who need to
  contact family or friends to notify them of
  their whereabouts and to attorneys or bail
  bondsmen to aid in securing release.

- **A pretrial release screening** to determine
  eligibility for pretrial release.

- **A followup search and dress-out** of
  inmates unable to secure release at intake.

- **Classification and orientation** for inmates
  unable to secure release at intake.

Effective supervision and management of inmates
at intake is critical. This period of incarceration
presents the greatest potential for injury or harm
to staff and arrestees because of the instability
or uncertainty of the circumstances in which
arrestees find themselves. It is essential for jail
officers to use the intake process as an opportu-
nity to “set the tone” for the inmate’s stay in the
facility. The expectations established during the
process, the ways in which these expectations
are conveyed, and the level of professionalism
displayed by officers can have a positive impact
on arrestees’ behavior during intake and through-
out their stay in the facility.

The release process may occur shortly after the
intake process, if the arrestee secures pretrial
release, or much later, at the end of a sentence
or after disposition of the arrestee’s case. The
process generally includes:

- **Verification of discharge approval** and
  identification of the inmate to be discharged.

- **A file check** to ensure that there are no
  active holds or detainers.

- **Return of the inmate’s property and
  money.**

- **Medical discharge planning and referrals,**
  if necessary.

- ** Victim notification of release,** if required.

- **A final administrative check of the
  inmate’s file** to ensure that all requirements
  of sentencing have been met and any admin-
 istrative charges or levies have been satisfied.

- **Arrangements for transportation** for the
  inmate, if necessary.

- **Completion of the release document or
  checklist.**

A well-planned release process provides for the
safe, legal return of inmates into the community.
Discharge planning, referral to community
resources, and victim notification are becoming
increasingly important elements of the release
process. Attention to these issues as well as the
more routine aspects of the release process will
enhance the safety of the community, improve
prospects for the inmate, and reduce the jail’s
exposure to liability.
Review Checklist: Intake and Release

Does the jail complete all essential steps in the intake process? The jail’s intake process should include the following:

- Securing of the arresting officer's weapons.
- An initial pat or frisk search prior to entering the intake area.
- Identification of the arresting officer.
- Verification of arrest or legal commitment.
- Assessment for medical clearance.
- Search of the arrestee.
- Property removal and inventory.
- Medical/suicide screening.
- Completion of booking forms.
- Identification (photographs and fingerprints).
- Warrant checks.
- Arrestee telephone calls to family, bondsman, or attorneys.
- A pretrial release screening.
- A shower, dress-out, and issue.
- Initial classification.
- Orientation.

Does the jail complete all essential steps in the release process? The jail’s release process should include the following:

- Verification of discharge documents.
- Verification of the identity of the inmate being released.
- A check for holds or detainers.
- The return of property and money.
- Referrals (medical, mental health, etc.).
- Victim notification.
- A review of release requirements.
- Transportation arrangements.
- The completion of release documents.

Does the jail have policies and procedures governing the intake and release function?

- Are the basic tools such as rubber gloves, restraint equipment, and body-fluid protective equipment available in the intake area, and are staff trained in their use?
- Are staff trained in the supervision and management of intoxicated inmates?
- Are staff trained in universal precautions?
- Does the jail's policy prohibit the blanket strip search of all arrestees and allow their strip search only based upon reasonable suspicion that the arrestee is concealing contraband?
So Much To Learn . . . Where Do I Begin?

This chapter presents a list of steps new sheriffs can take to get to know their jail, understand how it operates, and identify any potential problem areas. Although the chapter is specifically oriented toward the newly elected sheriff, many of the concepts may also be helpful to veteran sheriffs seeking to improve the effectiveness of jail operations.

Sheriffs have many things to learn during their first few months in office. Some issues—like the budget, contracts, pending litigation, pending personnel actions, and facility problems—may require the sheriff’s immediate attention. In this initial period, it is imperative to sort out right away what is important to know and who can provide this information. To identify the major issues, sheriffs should:

- Meet with the jail administrator to determine what he/she views as major issues and priorities. The sheriff should use this meeting to clarify the jail administrator’s role and the scope of his/her authority within the organization to make decisions relating to the jail.
- Talk to staff on a regular basis.
- Identify the jail’s budget analyst in the jurisdiction’s budget office. Set up a meeting to review the current budget and discuss any outstanding budget issues requiring immediate attention. Note the key dates for budget preparation, submission, and reporting.
- Review all contracts or interagency agreements to determine what services are offered, their cost, and their current status.
- Get contact information for each contract or agreement.
- Identify the jail’s human resources representative. Schedule a meeting to go over collective bargaining agreements and other pending personnel issues.
- Review the current staffing plan, current staffing levels, and staff turnover. Review the current organizational structure and reporting relationships to see whether they are consistent with the sheriff’s philosophy and management approach.
- Request an audit of the inmate financial and commissary accounts.
- Review emergency procedures and assess the jail’s current level of readiness to respond to emergencies.
- Identify the jail’s legal representative. Set up a meeting to discuss current issues and any pending litigation, court orders, or consent decrees. Find out whether there is a history of litigation in any particular areas.
- Review the most recent inspection reports of outside agencies such as the fire marshal, health department, or jail standards inspection agency. Identify any outstanding deficiencies and determine what steps have been taken to correct them. Deficiencies affecting the lives, health, and safety of inmates and staff should receive priority attention.
- Identify key staff responsible for the maintenance and upkeep of the jail. Schedule a meeting with them and with the jail administrator...
to discuss the current condition of the facility and to identify any facility-related problems requiring immediate attention.

- Review documentation of past internal inspections (security, safety, sanitation, maintenance, etc.). Determine whether appropriate corrective action has been taken to resolve any deficiencies identified in these inspections.

- Review documentation of past incidents (e.g., suicides, suicide attempts, fires, use of force, disturbances) to identify potential problem areas and trends.

- Review data on jail population characteristics and trends to get a good understanding of who is in jail and how the jail is used by the local justice system.

- Determine the availability and current status of written directives (policies and procedures, post orders, etc.) and other types of documentation. Determine whether these written directives have been kept current and reviewed by the jail’s legal counsel. Also determine whether staff have received training on these written directives and are following them.

- Identify key criminal justice officials whose decisions have an impact on the use of the jail. Set up a meeting to discuss their issues and concerns.

- Identify key media representatives and get their contact information. Review their record of past coverage of the jail. Meet with them as necessary to set a positive tone for the future.

The focus of this initial period should be to identify and compile a list of issues to be addressed and to gather information necessary to evaluate options. Once the issues are identified, the sheriff, working with the jail administrator, can develop a plan of action to address these issues.

There is no ideal way to begin addressing jail issues during the first few months in office. Each newly elected sheriff brings strengths and a certain level of experience to the office. The key to a good start is to have a plan for quickly getting “up to speed” and focused on the important issues. Once this is done, the sheriff can begin to make his/her own imprint on the organization by defining and communicating his/her vision and putting the pieces in place to implement that vision.


National Institute of Corrections
Advisory Board

Collene Thompson Campbell
San Juan Capistrano, CA

Norman A. Carlson
Chisago City, MN

Michael S. Carona
Sheriff, Orange County
Santa Ana, CA

Jack Cowley
Alpha for Prison and Reentry
Tulsa, OK

J. Robert Flores
Administrator
Office of Juvenile Justice and Delinquency Prevention
U.S. Department of Justice
Washington, DC

Stanley Glanz
Sheriff, Tulsa County
Tulsa, OK

Wade E. Horn, Ph.D.
Assistant Secretary for Children and Families
U.S. Department of Health and Human Services
Washington, DC

Byron Johnson, Ph.D.
Department of Sociology and Anthropology
Baylor University
Waco, TX

Harley G. Lappin
Director
Federal Bureau of Prisons
U.S. Department of Justice
Washington, DC

Colonel David M. Parrish
Hillsborough County Sheriff’s Office
Tampa, FL

Judge Sheryl A. Ramstad
Minnesota Tax Court
St. Paul, MN

Edward F. Reilly, Jr.
Chairman
U.S. Parole Commission
Chevy Chase, MD

Judge Barbara J. Rothstein
Director
Federal Judicial Center
Washington, DC

Regina B. Schofield
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
Washington, DC

Reginald A. Wilkinson, Ed.D.
Director
Ohio Department of Rehabilitation and Correction
Columbus, OH

B. Diane Williams
President
The Safer Foundation
Chicago, IL
Attached is a letter encouraging Judge Cordell to remain as the Chair of the Blue Ribbon Commission on Improving Custody Operations. Please acknowledge the receipt of this letter and its delivery to Judge Cordell.

Thank you,
Dear Judge Cordell,

Last evening I attended, as a listener, the Public Forum for Friends & Families of Inmates, hosted by the SCC Human Relations Commission. I assume that the testimonies offered there will be shared with the Blue Ribbon Commission as well as the Board of Supervisors. I was discouraged, however, to recognize just two Blue Ribbon Commissioners in attendance.

By my count, nearly three dozen people, mostly family members, offered the most horrifying testimony of guard beatings, taunting, reprisals, and apparent lack of accountability and oversight. Testimonies included accounts of week-long withholding of medical attention, inmates being kept naked for days on end, and inmates declining psychotropic medication for fear of its use being used against them during their trial. Families recounted years-long waits for trial while their loved ones endured isolation, in housing conditions that, outside of jail, would be instantly deemed a public health hazard, and barred from occupancy.

The parade of family members and inmate advocates I heard last evening was heart-breaking. But more than this, it absolutely convinced me that there is no issue — whether prior consultant recommendations, or Grand Jury reports that have been acknowledged then ignored, or secret, potentially duplicative investigatory consultants — that can trump the unjustified and inhumane suffering happening in our jails.

Although I applied to be seated on the Blue Ribbon Commission, I have no “skin in the game,” either as a former inmate or having an incarcerated family member. Nonetheless I truly believe that this commission is our county’s best chance for forcing real, comprehensive, positive, and lasting change in how our jails are operated. Nothing should compromise or derail this opportunity.

Therefore I urge you, Your Honor, to please lay aside whatever personal or professional concerns you may have that relate to this commission, its purpose, the Board, or other investigations, and rather to apply your unique, critical, and essential leadership to get on with the critical business to which all of your fellow commissioners have committed themselves.

As important as their commitments are, and your personal concerns may be, I believe that they are superseded by this moment where we can truly address the desperation I witnessed last evening. If not us, who? If not now, when?

With respect,
From: [Redacted]
Sent: Thursday, November 12, 2015 10:43 AM
To: CustodyOpCommission
Subject: Equal access needed re footage from police cameras, including footage from body worn cameras

http://www.paloaltoonline.com/print/story/2015/01/16/letters-to-the-editor

Shared via the Google app

Sent from my iPhone
Hi Ronda,

Very much appreciated. I will be sending a much longer article on the complex issues surrounding the use of body/police worn cameras, in the near future. For the record, I think correction officers in our jails should have body worn cameras, but only if the public has access to camera footage on an equal footing with law enforcement.

Best regards,

On Nov 12, 2015, at 10:43 AM, CustodyOpCommission <CustodyOpCommission@cob.sccgov.org> wrote:

Thank you for your correspondence. This information will be shared with members of the commission.

Rhonda
(408) 299-5067

http://www.paloaltoonline.com/print/story/2015/01/16/letters-to-the-editor

Shared via the Google app

Sent from my iPhone
Dear Judge Cordell,

I completely understand your feelings about the BOS hiring a private consultant and the secrecy surrounding this. I understand you do not want to waste your time duplicating steps that may be taken by the private consultant. And I understand what I perceive to be your anger at the insult of asking you all to do for free something that the BOS is offering to pay another to do.

But I respectfully beg you not to quit.

My son is mentally ill and has been in and out of jail a lot in the last couple of years. He has told me again and again he is afraid of the guards, he believes they will kill him. He has told me this BEFORE Michael Tyree was killed. And honestly, I never believed him. Like Michael Tyree, my son’s time in jail has been primarily because he is waiting for a bed in a treatment program. I believe this Commission is the best chance for my son and all those others who are in his same situation to get the help that is so desperately needed. Your reputation for fairness, transparency, and experience with the justice system will guide the commission in a way that I don’t believe it will be under another’s guidance.

I know there are broader problems with the jail, but it is the issue of how the mentally ill are treated throughout the County system that concerns me most. Those of us who have loved ones in the mental health system are so emotionally tapped out we have little energy left for advocacy. I truly feel this commission is our first and best chance to force change. The media is paying a lot of attention, and now is the time.

Please don’t quit. Be firm and fierce and strong and lead us forward to a more hopeful life for those who are the most powerless.

You are such an important counterweight to those on the commission who may resist actual positive change. Regardless of what the BOS does, I hope you will fight with us against the very inequities that are now still being perpetrated. I see hiring the consultant as a means of the BOS trying to protect themselves. The Commission is for protecting the inmates, and even on a larger scale, the mentally ill.

As you know from history, is not personal experience, when many voices are raised at injustice change can happen. We need your voice!

Sincerely,
Dear Commissioners,

My son is mentally ill (dual diagnosis) and has been in and out of jail a number of times in recent years. I have always been grateful for his arrests because sometimes that is the only way to get help for him. But he has been increasingly insistent that he has felt his life is in danger when he is in jail, from the guards. Up until recently, I’ve never believed him. Now I do.

This is what we experience:

1. On the eighth floor inmates are isolated for about 23 hours a day. Some days they aren’t allowed out of their rooms at all. Even mental hospitals don’t isolate the patients. I can see doing it for the 24 or so hours until an inmate is stable (meaning not actively psychotic - I know true stability takes months) on meds, but after that it is not acceptable at all.

2. There are NO services. No 12 step meetings, group counseling sessions, or visits from a Chaplin. There is nothing! Families can send books, but it is expensive and often takes at least 2 weeks for the whole process (ordering books via Amazon, having them sent to Catholic Charities, and having them delivered to the jail) and often my son hasn’t been in jail that long. So then there is NOTHING but to stew in his own fears and anxieties.

3. If a family member can afford to pay a minimum of $20 (or $25 I can’t remember now) in advance the inmate might be allowed to call home collect. It costs about $3 a minute for phone calls. Or more. Money isn’t refunded if it isn’t all used.

4. The phones weren’t working in the visiting area on the 8th floor for weeks. Although the guard who ran the elevator knew it, and mentioned it, and other guards knew it, it appeared nothing was done to repair the situation. Visitors had to yell through the glass. When I complained to John Hirokawa and this was his response (via email):

"During the weekend, Main Jail staff on the 8th floor checked all of the visitor phones. Staff asked the visitors if they could hear on their side of the room. Staff determined all phones were in working order.

After speaking with staff, inmates will lock themselves out of the visiting phone system. Staff believes you may have experienced this problem. An inmate may improperly enter the wrong personal pin number and subsequently be locked out of the phone system. The system has an auto lock after 3 attempts. However staff at times allows the visit to continue even though people have to use raise voices and talk through the window. Although this is not good practice, it is better than canceling the visit.”

At the time my son was in jail, I promise you there was NO concern when the phones weren’t working, and the staff did acknowledge they weren’t working. Nothing was said about the phones locking.
5. Usually a mentally ill inmate is in jail waiting for a bed in a treatment program. Sometimes the wait takes months. During this time they are kept totally alone with their thoughts, their anxieties, and their fears. Many of the guards are bullies and keep the inmates in a constant state of fear. (I’ve experienced this directly, when I’ve attempted to visit my son. Some guards even enjoy bullying 68 year old women like myself. They are always polite. Always say “ma’am” when they speak to me. But they know they have all the power, and enjoy exercising it.)

When an inmate is released there is no coordination with the family or social workers. So it isn’t unusual for an inmate to be released to a program and then once out, there is no bed for them after all. My son has been released in nothing shorts and a tee shirt (since it was warm when he was arrested) and it’s very cold, and the program couldn’t take him, his social worker was unavailable and he had no place to go… so all that good gained from being sober and on his meds for whatever amount of time is immediately put in jeopardy.

OR… if there is no program for them they are also often released in the middle of the night. Often around 2 a.m. No busses are running, no money, often not appropriate clothing for the nighttime weather, and often no place to go. They are being set up to fail.

How is any of this humane? How does this get people out of the revolving door of constant re-incarceration? And how, from a mother’s point of view, does this keep my beloved son safe?

MY CONCLUSION: An inmate would not have been murdered on the 8th floor if there weren’t hundreds of smaller incidents of abuse and neglect that led to this terrible situation. It feels the way institutional racism or slavery must feel: we have no power, nowhere to turn and no advocates who have the same or greater power over the jail overlords.

POSSIBLE SOLUTIONS:

1. The day a mentally ill person is arrested his/her social worker and a family member should be notified and given contact information for (the as yet nonexistent) outside agent who will see that inmates are treated humanely. If family members have concerns we need someone to complain to. If there has been such a person I’ve never once been informed of that in the 25 years we’ve gone through these continual problems. And trust me, I’m on the phone to the jail social worker, to every single person I can find or know of. I am involved (some say too much) and I’ve never been told of any resource like this. (The jail social worker, Nan, is pretty wonderful most of the time. But I’m sure way overworked and with little authority, I imagine.)

2. If someone has to stay in jail instead of getting into a treatment program - have programs in the jails! But the mentally ill do not need to be jailed! They need treatment!

3. Santa Clara County has NOT ONE SINGLE dual diagnosis treatment program. We need many! We need live-in programs with enough beds, and enough time, (I believe it would take a year, at least) for people who are dually diagnosed to get not just marginally stable but actually functional with a plan for what they will do when they graduate…. (I’d bet more beds in treatment programs would clear out the jails by a huge margins.)

4. But then where do they go? Have any of you dropped in unannounced to an “independent living” house? These are unbelievably horrible. Humans shouldn’t live like this. $800 a month for a shared room in a house with 12 - 14 other people often not enough food and the kitchen locked so no fixing anything for themselves. Often the food is prepared elsewhere and delivered so it isn’t even fresh/hot. Washer and dryer locked up, no supervision, drugs and alcohol everywhere. Residents have to supply their own toilet paper (and other toiletries) and people are stealing from one another, the yards are often filled with garbage, the rooms are hell holes.
5. So… There must be regulations and inspections for group homes. Places where the police come weekly - or daily - need to be shut down. There needs to be affordable living situations (in other words something their social security can cover) for the mentally ill that allow them dignity, and some independence but still has some support for medication reminders. Ideally a place that allows a person to have a small private space, where they can have a small pet perhaps - since companion animals really help people with anxiety and depression - and maybe where there is responsibility for keeping the place clean, for planning meals and cooking communally. How about places where there is a back yard garden to provide fresh veggies and fruit for the home? I believe responsibility is very important! How can you like yourself when you live under the care of others with no “job” at all?

To sum up: SPEND MONEY ON TREATMENT PROGRAMS AND SAFE LIVING ENVIRONMENTS. There will be many less people in jail if this is done. And I bet it costs less to offer treatment than to put people in jail.

1. An in jail resource person. No isolation, in jail programs and a quick turnover because there are more treatment beds.
2. A plan that actually is followed upon release (and that includes family member input prior to release.)
3. Many more beds in treatment programs including Dual Diagnosis programs.
4. Safe secure dignified housing.

Respectfully,
Dear Blue Ribbon Commission on Santa Clara County Sheriff's Department Reform - Original to Deputy Public Defender Gary Goodman for Santa Clara County Superior Court Case: [Blacked Out]

Please receive the attached document as material for commission review.

Original to Deputy Public Defender Gary Goodman for Santa Clara County Superior Court Case: [Blacked Out]

Thank You,
Good morning Gary.

Just following up briefly with you regarding yesterday's email in which you stated "I thought this was my case" in regards to [redacted].

I do not care whose case it is. The bottom line is that serious fraud has occurred throughout this case & one way or another, this must and will be addressed.

I understand that you want to do things "your way", and I have no problem with that. I cannot and will not however, be anyone who I am not.

I am incompatible with the fraudulent court records and these records are incompatible with me. It is not appropriate or ethical to expect me to lie about these things and as I made clear to Amanda Parks, I do not consent to the public defender's office lying on my behalf, which is exactly what Amanda Parks did in her "Motion to disqualify DA"

Please be advised that the philanthropic work that I am being prosecuted is an expression of love and an exercise of my religious faith which is outside the subject matter of the court & I absolutely will not surrender my faith or go against my conscience. Nor will I be threatened, harassed, or bullied or beaten into breaking the oath I made to tell the truth. Nor will I allow these officers to continue terrorizing [redacted] or anyone else in this community.

You can expect me in 89 on Nov.17th, 2015, but the court record present is an act of fraud and an ILLUSION.

If the court record is presented in court act factual, then my tangible presence must be an illusion. I strongly advise you reflect on this, and consider what this means before you acknowledge to the court that I am present.
My name is [redacted]. I am a survivor of traumatic brain injury from an accident and spent months in a coma. After I woke up, I spent years in therapy and rehabilitation to relearn how to walk, talk, and do everything.

I also suffer from post-traumatic stress disorder because I have been harassed and terrorized by Santa Clara County Sheriff Detective David Carolee who targeted me for filing HRB complaints and whistleblower complaints against county officials who exploited my injuries and disability and deprived me of my housing.

I live in constant fear and misery because the Sheriff's Department is determined to crush and destroy me because I reported crimes committed against me. They threatened to rape me and beat me up because a news article was published about the fraud.

The Detective Sammy Tarazi followed me to Starbucks in Palo Alto and he stalked my computer after I walked away from my table. I am not on probation or parole, and I do not consent to search.

I am sick and tired of the Sheriff's Department terrorizing me! Detective Tarazi virtually that I must give him my password and I do not want to.

This is like asking me to give my bedroom key to a violent serial rapist.

I do not deserve to be harassed and terrorized and I want them to leave me alone.

Just like Tarazi is forcing me to live life of terror and misery.
called our office asking for the contact information for Judge Cordell. I tried to give him the custodyopcommission@cob.sccgov.org email that Jessica provided me with but he doesn’t want to send the information he has in writing, he only wants to tell her. I told him I would pass on his name and number.

Thank you
From: CustodyOpCommission
Sent: Tuesday, November 10, 2015 5:04 PM
To: CustodyOpCommission
Subject: A message for Judge Cordell

Dear Judge Cordell,

I completely understand your feelings about the BOS hiring a private consultant and the secrecy surrounding this. I understand you do not want to waste your time duplicating steps that may be taken by the private consultant. And I understand what I perceive to be your anger at the insult of asking you all to do for free something that the BOS is offering to pay another to do.

But I respectfully beg you not to quit.

My son is mentally ill and has been in and out of jail a lot in the last couple of years. He has told me again and again he is afraid of the guards, he believes they will kill him. He has told me this BEFORE Michael Tyree was killed. And honestly, I never believed him. Like Michael Tyree, my son’s time in jail has been primarily because he is waiting for a bed in a treatment program. I believe this Commission is the best chance for my son and all those others who are in his same situation to get the help that is so desperately needed. Your reputation for fairness, transparency, and experience with the justice system will guide the commission in a way that I don’t believe it will be under another’s guidance.

I know there are broader problems with the jail, but it is the issue of how the mentally ill are treated throughout the County system that concerns me most. Those of us who have loved ones in the mental health system are so emotionally tapped out we have little energy left for advocacy. I truly feel this commission is our first and best chance to force change. The media is paying a lot of attention, and now is the time.

Please don’t quit. Be firm and fierce and strong and lead us forward to a more hopeful life for those who are the most powerless.

You are such an important counterweight to those on the commission who may resist actual positive change. Regardless of what the BOS does, I hope you will fight with us against the very inequities that are now still being perpetrated. I see hiring the consultant as a means of the BOS trying to protect themselves. The Commission is for protecting the inmates, and even on a larger scale, the mentally ill.

As you know from history, is not personal experience, when many voices are raised at injustice change can happen. We need your voice!

Sincerely,
Dear Commissioners,

My son is mentally ill (dual diagnosis) and has been in and out of jail a number of times in recent years. I have always been grateful for his arrests because sometimes that is the only way to get help for him. But he has been increasingly insistent that he has felt his life is in danger when he is in jail, from the guards. Up until recently, I’ve never believed him. Now I do.

This is what we experience:

1. On the eighth floor inmates are isolated for about 23 hours a day. Some days they aren’t allowed out of their rooms at all. Even mental hospitals don’t isolate the patients. I can see doing it for the 24 or so hours until an inmate is stable (meaning not actively psychotic - I know true stability takes months) on meds, but after that it is not acceptable at all.

2. There are NO services. No 12 step meetings, group counseling sessions, or visits from a Chaplin. There is nothing! Families can send books, but it is expensive and often takes at least 2 weeks for the whole process (ordering books via Amazon, having them sent to Catholic Charities, and having them delivered to the jail) and often my son hasn’t been in jail that long. So then there is NOTHING but to stew in his own fears and anxieties.

3. If a family member can afford to pay a minimum of $20 (or $25 I can’t remember now) in advance the inmate might be allowed to call home collect. It costs about $3 a minute for phone calls. Or more. Money isn’t refunded if it isn’t all used.

4. The phones weren’t working in the visiting area on the 8th floor for weeks. Although the guard who ran the elevator knew it, and mentioned it, and other guards knew it, it appeared nothing was done to repair the situation. Visitors had to yell through the glass. When I complained to John Hirokawa and this was his response (via email):

"During the weekend, Main Jail staff on the 8th floor checked all of the visitor phones. Staff asked the visitors if they could hear on their side of the room. Staff determined all phones were in working order.

After speaking with staff, inmates will lock themselves out of the visiting phone system. Staff believes you may have experienced this problem. An inmate may improperly enter the wrong personal pin number and subsequently be locked out of the phone system. The system has an auto lock after 3 attempts. However staff at times allows the visit to continue even though people have to use raise voices and talk through the window. Although this is not good practice, it is better than canceling the visit.”

At the time my son was in jail, I promise you there was NO concern when the phones weren’t working, and the staff did acknowledge they weren’t working. Nothing was said about the phones locking.
5. Usually a mentally ill inmate is in jail waiting for a bed in a treatment program. Sometimes the wait takes months. During this time they are kept totally alone with their thoughts, their anxieties, and their fears. Many of the guards are bullies and keep the inmates in a constant state of fear. (I’ve experienced this directly, when I’ve attempted to visit my son. Some guards even enjoy bullying 68 year old women like myself. They are always polite. Always say “ma’am” when they speak to me. But they know they have all the power, and enjoy exercising it.)

When an inmate is released there is no coordination with the family or social workers. So it isn’t unusual for an inmate to be released to a program and then once out, there is no bed for them after all. My son has been released in nothing shorts and a tee shirt (since it was warm when he was arrested) and it’s very cold, and the program couldn’t take him, his social worker was unavailable and he had no place to go… so all that good gained from being sober and on his meds for whatever amount of time is immediately put in jeopardy.

OR… if there is no program for them they are also often released in the middle of the night. Often around 2 a.m. No busses are running, no money, often not appropriate clothing for the nighttime weather, and often no place to go. They are being set up to fail.

How is any of this humane? How does this get people out of the revolving door of constant re-incarceration? And how, from a mother’s point of view, does this keep my beloved son safe?

MY CONCLUSION: An inmate would not have been murdered on the 8th floor if there weren’t hundreds of smaller incidents of abuse and neglect that led to this terrible situation. It feels the way institutional racism or slavery must feel: we have no power, nowhere to turn and no advocates who have the same or greater power over the jail overlords.

POSSIBLE SOLUTIONS:

1. The day a mentally ill person is arrested his/her social worker and a family member should be notified and given contact information for (the as yet nonexistent) outside agent who will see that inmates are treated humanely. If family members have concerns we need someone to complain to. If there has been such a person I’ve never once been informed of that in the 25 years we’ve gone through these continual problems. And trust me, I’m on the phone to the jail social worker, to every single person I can find or know of. I am involved (some say too much) and I’ve never been told of any resource like this. (The jail social worker, Nan, is pretty wonderful most of the time. But I’m sure way overworked and with little authority, I imagine.)

2. If someone has to stay in jail instead of getting into a treatment program - have programs in the jails! But the mentally ill do not need to be jailed! They need treatment!

3. Santa Clara County has NOT ONE SINGLE dual diagnosis treatment program. We need many! We need live-in programs with enough beds, and enough time, (I believe it would take a year, at least) for people who are dually diagnosed to get not just marginally stable but actually functional with a plan for what they will do when they graduate…. (I’d bet more beds in treatmen t programs would clear out the jails by a huge margins.)

4. But then where do they go? Have any of you dropped in unannounced to an “independent living” house? These are unbelievably horrible. Humans shouldn’t live like this. $800 a month for a shared room in a house with 12 - 14 other people often not enough food and the kitchen locked so no fixing anything for themselves. Often the food is prepared elsewhere and delivered so it isn’t even fresh/hot. Washer and dryer locked up, no supervision, drugs and alcohol everywhere. Residents have to supply their own toilet paper (and other toiletries) and people are stealing from one another, the yards are often filled with garbage, the rooms are hell holes.
5. So… There must be regulations and inspections for group homes. Places where the police come weekly - or daily - need to be shut down. There needs to be affordable living situations (in other words something their social security can cover) for the mentally ill that allow them dignity, and some independence but still has some support for medication reminders. Ideally a place that allows a person to have a small private space, where they can have a small pet perhaps - since companion animals really help people with anxiety and depression - and maybe where there is responsibility for keeping the place clean, for planning meals and cooking communally. How about places where there is a back yard garden to provide fresh veggies and fruit for the home? I believe responsibility is very important! How can you like yourself when you live under the care of others with no “job” at all?

To sum up: SPEND MONEY ON TREATMENT PROGRAMS AND SAFE LIVING ENVIRONMENTS. There will be many less people in jail if this is done. And I bet it costs less to offer treatment than to put people in jail.

1. An in jail resource person. No isolation, in jail programs and a quick turnover because there are more treatment beds.
2. A plan that actually is followed upon release (and that includes family member input prior to release.)
3. Many more beds in treatment programs including Dual Diagnosis programs.
4. Safe secure dignified housing.

Respectfully,
Attached is a letter encouraging Judge Cordell to remain as the Chair of the Blue Ribbon Commission on Improving Custody Operations.

Please acknowledge the receipt of this letter and its delivery to Judge Cordell.

Thank you,
Dear Judge Cordell,

Last evening I attended, as a listener, the Public Forum for Friends & Families of Inmates, hosted by the SCC Human Relations Commission. I assume that the testimonies offered there will be shared with the Blue Ribbon Commission as well as the Board of Supervisors. I was discouraged, however, to recognize just two Blue Ribbon Commissioners in attendance.

By my count, nearly three dozen people, mostly family members, offered the most horrifying testimony of guard beatings, taunting, reprisals, and apparent lack of accountability and oversight. Testimonies included accounts of week-long withholding of medical attention, inmates being kept naked for days on end, and inmates declining psychotropic medication for fear of its use being used against them during their trial. Families recounted years-long waits for trial while their loved ones endured isolation, in housing conditions that, outside of jail, would be instantly deemed a public health hazard, and barred from occupancy.

The parade of family members and inmate advocates I heard last evening was heart-break ing. But more than this, it absolutely convinced me that there is no issue – whether prior consultant recommendations or Grand Jury reports that have been acknowledged then ignored, or secret, potentially duplicative investigatory consultants – that can trump the unjustified and inhumane suffering happening in our jails.

Although I applied to be seated on the Blue Ribbon Commission, I have no “skin in the game,” either as a former inmate or incarcerated family member. But I truly believe that this commission is our county’s best chance for forcing real, comprehensive, positive lasting change in how our jails are operated. Nothing should compromise or derail this opportunity.

Therefore I urge you, Your Honor, to please lay aside whatever personal or professional concerns you may have that relate to this commission, its purpose, the Board, or other investigations, and rather to get on with the critical business that all of your fellow commissioners have committed themselves to.

But as important as their commitments are and your concerns may be, I believe that they are superseded by this moment to truly address the desperation I witnessed last evening. If not us, who? If not now, when?

With respect,
Hi, I sent these before but they may not have been received.
Here you go.
Gail Price
When did prisons become acceptable mental healthcare facilities?

Co-Published by:

California State Senate pro Tem, Darrell Steinberg
Stanford Law School Professor, David Mills
Stanford Law School Three Strikes Project Director, Michael Romano
Introduction

Senator Darrell Steinberg and Professor David Mills

We can no longer ignore the massive oppression we are inflicting upon the mentally ill throughout the United States. Over a century ago, Dorothea Dix began a movement to improve the deplorable conditions of mentally ill prisoners. Despite her success in changing the country's perception and treatment of the mentally ill in prison, we are now right back where we started in the nineteenth century. Although deinstitutionalization was originally understood as a humane way to offer more suitable services to the mentally ill in community-based settings, some politicians seized upon it as a way to save money by shutting down institutions without providing any meaningful treatment alternatives. This callousness has created a one-way road to prison for massive numbers of impaired individuals and the inhumane warehousing of thousands of mentally ill people.

We have created conditions that make criminal behavior all but inevitable for many of our brothers and sisters who are mentally ill. Instead of treating them, we are imprisoning them. And then, when they have completed their sentences, we release them with minimal or no support system in place, just counting the days until they are behind bars once again. This practice of seeking to save money on the backs of this population comes with huge moral and fiscal cost. It is ineffective because we spend far more on imprisonment of the mentally ill than we would otherwise spend on treatment and support. It is immoral because writing off another human being's life is utterly contrary to our collective values and principles.

The numbers are staggering: over the past 15 years, the number of mentally ill people in prison in California has almost doubled.1 Today, 45 percent of state prison inmates have been treated for severe mental illness within the past year. The Los Angeles County Jail is “the largest mental health provider in the county,” according to the former official in charge of the facility.2

In San Francisco County Mental Health Court, prosecutors, defense attorneys, and judges work collaboratively to design treatment plans for mentally ill defendants. Photo courtesy of Loteria Films.
California was at the forefront of the spiral towards imprisonment rather than treatment, when it turned its back on community based mental health programs. As usual, what started in California spread throughout the country. In 1971 there were 20,000 people in California prisons; by 2010 the population had increased to 162,000 people, of which 45 percent are estimated to be mentally ill. We in California now have an opportunity to lead again—this time to show that there is a better approach. We can begin a counter-revolution by setting a new standard for how we deal with people whose mental illness manifests through criminal activity. We will prove to the country that there is another, better approach—an approach that saves money and saves lives from being forsaken.

The population of mentally ill inmates in CA prisons has almost doubled since 2000.

The mentally ill who fill our prisons range from the violent to the nonviolent, and from those who were born with disabilities to those who have been damaged by circumstances and environment. According to a recent report from the National Sheriff’s Association and Treatment Advocacy Center, ten times as many mentally ill people are in prison and jail in America today than are in mental health treatment facilities.3

The problem is not only that many mentally ill people—left with no support and limited resources—tend to commit crimes (including those associated with homelessness and addiction). The problem is also that once they are in the system, they tend to be subjected to far harsher sentencing than others for the very same crimes. This may be born of a conscious sense that judges have that society is providing no meaningful “treatment” other than imprisonment. Or it may grow out of a subconscious animus or fear of those who are different in any way. Whatever the source, though, the effect is the same: despite rules of court in California designed to mitigate punishments for mentally ill offenders, the average sentence imposed on defendants suffering from mental illness is longer than the average sentence imposed on defendants who do not have mental health diagnosis but who committed the same crime. Unfortunately this is true across every category of crime in California. For example, the average sentence for burglary imposed on mentally ill defendants is 30 percent longer than the average sentence for non-mentally ill defendants convicted of the same crime.

The story grows darker still. When it comes time to be considered for release, once again the mentally ill fare miserably. For example, the number of mentally ill prisoners denied relief under new resentencing laws enacted under Proposition 36 is three times greater than the number of non-mentally-ill prisoners who have been denied relief.
And once those suffering from mental illness are released—having served longer sentences—the system delivers the ultimate knockout blow. We provide virtually no effective mental health facilities and programs to help released prisoners who are in desperate need of mental health treatment. This service deficit naturally results in higher recidivism rates and an ongoing sense of social isolation and abandonment. And the cycle then begins again with new arrests, new prosecutions, new lengthy sentences, new impediments to release, and eventual release into a system that provides nothing but an inevitable, tragic trajectory back into the criminal justice system. This cycle is as truly appalling as it is truly avoidable.

The cascade, which began so long ago, has created a new segregation—the segregation of the sick, the infirm and the helpless (many of whom are also people of color, almost all of whom are extremely poor). Not unlike other practices of segregation in our nation’s history, this segregation is also hidden from the general public behind the walls of our prisons and jails. But this time it is not occurring in the form of slavery on individual farms and homes—today it is occurring behind the bars of prison cells.

From time to time there have been efforts to expose this disaster but, until now, bold proposals for solutions have been lacking. We have seen periodic criticism, but no serious desire or determination for change. We, in California, can and will do better. Today, we jointly offer three modest but significant proposals to start us on the path of compassionate, fair and cost-effective solutions to the crisis we face:

1. **Reform the Way We Sentence the Mentally Ill:** We propose that all new sentences take into account the mental health of each defendant and, where appropriate, provide a non-prison sentence for any defendant charged with a nonviolent crime/nonserious offense. This new sentencing would apply when the sentencing judge finds that the defense has shown by a preponderance of the evidence that the crime was likely committed as a result of the defendant’s mental illness. Under such a circumstance, the defendant will be sentenced to mental health treatment and monitoring in a non-custodial setting. We propose to provide funding for mental health treatment for these defendants throughout the State. The cost of such treatment is significantly less than the cost of incarceration.

2. **Provide Meaningful Treatment in Prison:** We propose that when a sentencing judge finds (a) that a defendant’s serious offense was caused in large part by his mental illness, or (b) that a defendant who committed a nonserious offense needs to be incarcerated due to the danger to himself or others, the judge will order the provision of meaningful mental health services as part of the terms and conditions of incarceration. These mental health services, although overseen and provided by the Bureau of Prisons, will nevertheless be reviewed from time to time by a special Mental Health Prison Oversight Court, which will be set up to assure that proper mental health services are being provided to each incarcerated defendant. This special court will be made up of judges and mental health professionals who will work together to

---

Mentally Ill inmates represent 45% of the total California prison population.
fashion and oversee the treatment of incarcerated prisoners in need of mental health services. This new Mental Health Prison Oversight Court will provide initial sentencing recommendations to trial court judges who request the court’s input. Following a defendant’s sentencing, the new court will have authority to oversee the mental health treatment of the incarcerated defendant, and will be empowered to order changes to the treatment plan that the court deems appropriate. This is a bold new proposal to integrate the independence of the prison system with the oversight of a special court as part of the judiciary. We recognize the problems and challenges of implementation, but we are confident that the goodwill and creative cooperation of all concerned will allow for the implementation of this change.

3. Continue Meaningful Treatment After Prison:
Finally, we propose that all prisoners, prior to release, be evaluated for post-release mental health needs and, where appropriate, be referred to mental health centers for the ongoing provision of mental health care. These new mental health centers will be located throughout the state and will have access to the mental health records of the released prisoners, recommendations for appropriate post-release mental health care, and the funding needed to provide the recommended services for at least one year following release. As indicated above, providing these services will more than pay for itself in terms of costs saved by avoiding the extraordinary (financial and human) costs of incarceration.

We are proud that a new era marking the end of “sentencing for vengeance” and transforming the goal of being “tough on crime” with the goal of being “smart on crime” has begun to take hold. We are proud that the voters and policymakers are growing in their willingness to separate true criminals from those whose actions are not driven by aggression, violence or ill-intent. We are hopeful that the concept of vengeance is no longer being treated as the sole or primary focus of criminal sentencing, but is instead being treated as only one of several factors (including individual culpability and rehabilitation) that inform a just sentence. But amidst these positive changes, we must not ignore one of the great persistent injustices of modern criminal law: not only are poor people and people of color disproportionately imprisoned, but a dominant root cause of much criminal activity is mental illness. While the solution to that challenge of poverty or insidious discrimination is not easily in our grasp, we do have the readily available and affordable tools to help address the role that mental illness plays in criminality. Our report and modest proposals are an important first step towards that goal.

A note on methodology:
Unless otherwise specified in this report, all of the data reported herein was provided by the California Department of Corrections and Rehabilitation (“CDCR”) and analyzed at Stanford Law School. The data reflects the California prison population as of March 5, 2014.

This report defines “mentally ill prisoner” as an inmate suffering from a serious mental illness, as diagnosed by the prison Mental Health Delivery System, within the past year. This definition best corresponds to the definition used by the United States Department of Justice in its national survey of mental health in prisons and jails referenced throughout this report.
A Brief History Of Deinstitutionalization In California

In the early 1950's California was the vanguard of a significant transformation of the nation's mental health system. This transformation resulted in a shift from a state-operated public mental health system to a decentralized system of care, accompanied by major changes in the funding relationship between state and local governments with regard to mental health services delivery. This transfer from state to local control, known as "deinstitutionalization," was accompanied by a sharp increase in California's state prison population—most notably, the population of mentally ill inmates.

Prior to 1957, mental health services were delivered by a state operated and funded institutional system, which included fourteen hospitals. Eight of these hospitals served the mentally ill, four cared for the developmentally disabled, and two served both populations.

In 1957, the California legislature passed the Short-Doyle Act in response to the growing number of the mentally ill being confined in public hospitals. The Act, which provided state funds to local mental health service delivery programs, was developed to address concerns that some mentally ill individuals were better served by local, outpatient services rather than 24-hour hospital care. Lawmakers believed that local programs would allow the mentally ill to remain in their communities, maintain family ties, and enjoy greater autonomy. When first enacted, the Short-Doyle Act provided state funding for 50 percent of the cost to establish and develop locally administered and controlled community mental health programs.

In 1968, the legislature passed the Lanterman-Petris-Short Act, which further reduced the population of state mental health hospitals by requiring a judicial hearing prior to any involuntary hospitalization. The Act also initiated increased financial incentives for local communities to take on the provision of mental health services.

As a result of this long-term transfer of state operation and oversight to a decentralized, community-based mental health care delivery model, the state mental hospital population declined from 36,319 in 1956 to

The incarceration rate in California skyrocketed when funding was pulled from its state mental hospitals.

![Graph showing the incarceration rate in California from 1940 to 2010. Key events include:
- 1957: Short-Doyle Act begins defunding state mental health hospitals.
- 1968: Lanterman-Petris-Short Act imposes restrictions on involuntary hospitalization for the mentally ill.
- 2009: Federal Court rules in favor of class-action of mentally ill prisoners holding that California prisons are unconstitutionally overcrowded.]

When did prisons become acceptable mental healthcare facilities?
Between 1967 and 1975, Governor Ronald Reagan slashed funding to mental hospitals leading to a dramatic decline in the number of mentally ill individuals being treated in the hospital setting.

![Graph showing the decline in number of mentally ill patients in state hospitals from 1956-57 to 1977-78.](image)

*Source: Legislative Analyst’s Office, “Major Milestones: 43 Years of Care and Treatment of the Mentally Ill,” (2000).*

8,198 in 1971. Three public mental hospitals closed during this time period. The legislature intended for the savings from these closures to be distributed to community programs. However, in 1972 and 1973 then-Governor Ronald Reagan vetoed the transfer of these funds. Between 1974 and 1984, the funding of community mental health programs was in constant flux, with many counties lamenting local mental health service gaps due to lack of sufficient funding.

The shift from state to local services was unexpectedly accompanied by a sharp increase in the population of the mentally ill within California’s criminal justice system. In 1973, hearings were held by the California State Senate to discuss this concern. In 1980, a study published in the *American Journal of Orthopsychiatry* concluded that emptying the public mental health hospitals had “forced a large number of these deinstitutionalized patients into the criminal justice system.” Two other studies published in 1982 and 1983 by researchers at the University of Southern California indicated that the problem was only getting worse.

Today, according to a recent survey of public mental health services issued jointly by the National Sheriffs’ Association and Treatment Advocacy Center, “[in California] there are almost no public psychiatric beds available for individuals with serious mental illnesses.”

*When did prisons become acceptable mental healthcare facilities?*
EXPERT ANALYSIS: The Tragic Case Of Mentally Ill Prisoners In California
Craig Haney

Treatment of the mentally ill in the United States is in a state of crisis. The mentally ill in this country are far more likely to be treated in jail or prison than in any healthcare facility. Presently, the United States incarcerates an estimated 350,000 prisoners who suffer from serious mental illness, almost 10 times the number of persons housed in the nation's psychiatric hospitals. In California alone, there are over 30,000 seriously mentally ill prisoners presently confined in state prison, as compared to fewer than 6,000 persons in state psychiatric hospitals, making CDCR the de facto mental health treatment provider in the state. Although litigation-related reforms have resulted in a significant overhaul of prison mental health services provided by the CDCR, mental health care in prison still falls well below minimal constitutional standards in many important respects.

Prisons and jails are singularly ill-suited to house the mentally ill. Premised on punitive forms of social control, prisons are not remotely compatible with the kind of supportive therapeutic milieus that the mentally ill require. They are austere and intimidating environments that are painful and difficult for even the strongest and most resilient prisoners to withstand. The pains of imprisonment—severe material deprivations, highly restricted movement and liberty, lack of meaningful activity, a nearly total absence of personal privacy, high levels of interpersonal uncertainty, danger, and fear—are powerful psychological stressors that can adversely impact a prisoner’s well-being.

Not surprisingly, these stressful conditions take a greater psychological toll on mentally ill prisoners. They are especially sensitive to the unique stresses and

Mentally ill individuals are much more likely to experience factors that contribute to an increased risk of committing crimes.

![Graph showing the comparison between mentally ill and non-mentally ill prisoners on various factors such as homelessness, physical abuse, substance abuse, etc.]


When did prisons become acceptable mental healthcare facilities?
traumas of prison life, and their psychiatric conditions often deteriorate as a result. Their vulnerabilities place them at great risk to be victimized—for example, they are much more likely to be sexually assaulted than other prisoners. Some prisoners react to the extreme psychic stresses of imprisonment by taking their own lives. Tragically, rates of suicide inside prisons and jails are much higher among the mentally ill.

Behavioral problems that are associated with their psychiatric conditions also place the mentally ill at greater risk of committing rule violations, which typically result in the imposition of harsh disciplinary sanctions. Thus, largely because of their psychiatric illness, mentally ill prisoners are significantly more likely than other prisoners to be housed in punitive segregation units where they are subjected to solitary confinement and other severe deprivations. Extensive research has documented the range of adverse symptoms that have been consistently observed in prisoners in solitary confinement, including appetite and sleep disturbances, anxiety, panic, hopelessness, depression, rage, loss of control, paranoia, hallucinations, self-mutilations, and suicidal ideation. For those with a preexisting mental illness, psychiatric symptoms often worsen. Most punitive isolation units are operated in such a way that it is virtually impossible for mentally ill prisoners to receive adequate, effective treatment there.

The CDCR has four levels of mental health treatment designation, ranging from long-term to emergency treatment.

<table>
<thead>
<tr>
<th>Level of Care</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correccional Clinical Case</td>
<td>• Lowest level of mental health care</td>
</tr>
<tr>
<td>Management System (CCMS)</td>
<td>• Treatment for &quot;serious mental illness,&quot; according to certain DSM Axis I diagnoses (e.g. schizophrenia, psychotic disorder, bipolar disorder, major depressive disorder)</td>
</tr>
<tr>
<td></td>
<td>• Prisoners stable with treatment</td>
</tr>
<tr>
<td></td>
<td>• Treatment includes medication, individual and group therapy</td>
</tr>
<tr>
<td>Enhanced Outpatient Program (EOP)</td>
<td>• Segregated housing</td>
</tr>
<tr>
<td></td>
<td>• Treatment for acute onset or significant decompensation with symptoms including delusional thinking, hallucinations, vegetative affect</td>
</tr>
<tr>
<td></td>
<td>• Global Assessment Score less than 50</td>
</tr>
<tr>
<td></td>
<td>• Treatment includes medication, individual and group therapy, at least 10 hours per week of structured therapeutic activities</td>
</tr>
<tr>
<td>Mental Health Crisis Bed</td>
<td>• Inpatient psychiatric care, with 10-day maximum stay</td>
</tr>
<tr>
<td></td>
<td>• Continuous therapeutic assistance to inmate-patients whose condition requires 24 hours or more to achieve stabilization</td>
</tr>
<tr>
<td></td>
<td>• Danger to self or others</td>
</tr>
<tr>
<td></td>
<td>• Global Assessment Score less than 30</td>
</tr>
<tr>
<td></td>
<td>• Treatment to control and alleviate symptoms with emergency medication if necessary</td>
</tr>
<tr>
<td>Inpatient at Dept. Mental Health</td>
<td>• Acute exacerbation of a chronic major mental illness, marked impairment, and dysfunction in most areas (i.e. daily living activities, communication and social interaction)</td>
</tr>
<tr>
<td>Intermediate and Acute Care</td>
<td>• Highly structured in-patient psychiatric care with 24-hour nursing supervision</td>
</tr>
<tr>
<td></td>
<td>• Danger to self or others</td>
</tr>
<tr>
<td></td>
<td>• May require neurological/neuropsychological consultation</td>
</tr>
<tr>
<td></td>
<td>• Anticipated discharge within 30-45 days</td>
</tr>
</tbody>
</table>
country, most mentally ill inmates will eventually be released back to the community. Because the state fails to provide many mentally ill prisoners with adequate mental health treatment, and subjects many of them to harsh forms of isolation, where their psychological conditions may have worsened, they confront special challenges when they are released back into free society. As a result, they are at greater risk to recidivate and return to prison. Yet, according to a recent study in *The Lancet*, the mentally ill are substantially less likely to commit a violent crime if taking appropriate psychiatric medication.a

These are very serious, complex, and long-standing problems that will require the implementation of a wide range of significant reforms in order to be solved. Although the vulnerabilities of mentally ill prisoners are manifested most clearly in prison, meaningful solutions must also come from beyond the prison walls. To be sure, it is critically important for the CDCR to continue to improve the quality of its mental health services to comply with constitutional mandates, and to end the practice of placing mentally ill prisoners in punitive isolation. But other critical criminal justice reforms are also necessary. These kinds of reforms require the development of a wide range of new programs: before, and in lieu of imprisonment; during imprisonment, for those mentally ill prisoners who cannot be diverted; and after imprisonment, as prisoners reintegrate into the community. They also require the training of key criminal justice personnel—attorneys, judges, correctional officers, and probation and parole officers—on the unique psychiatric needs of their clients. And they require the kind of sustained public and political attention, pressure, and resources necessary to bring them about.
The Promise Of Mental Health Courts In California

Mental health courts are a relatively recent phenomenon and one of many initiatives launched in the past two decades to address the large numbers of people with mental illness involved in the criminal justice system. There are currently approximately 40 mental health courts in 27 counties in California.9 These courts should be expanded throughout the state to cover every defendant charged with a nonviolent offense as a result of mental illness.

A cost benefit analysis reported by Pew Charitable Trust and the MacArthur Foundation found that every $1 spent on one state’s mental health court system resulted in $7 in incarceration savings.10 In California, the annual prison cost for an inmate in the general population is $51,000, while the annual community housing and outpatient treatment costs for persons with mental illness is $20,412.11

In 2006, Santa Clara County estimated that its mental health court saved the state and county $20 million through reduced prison and jail sentences.12 Sacramento County courts experienced an 88 percent decrease in the cost of serving mentally ill clients through its mental health court, as compared to serving those same clients in the traditional court system. Similar savings were realized in the mental health court operated in San Francisco County.13 Recognition of these positive fiscal outcomes has led to the expansion of mental health courts in New York, Michigan, Washington and South Carolina.

In California, mental health courts are administered by county Superior Courts, which provide a separate docket for persons charged with nonviolent crimes who have been diagnosed with a mental illness. These courts involve collaboration between criminal justice and mental health professionals, and generally offer judicial supervision of required mental health treatment and other services in lieu of jail time.14

The social and public health benefits of mental health courts are also clear. The focus on early intervention allows offenders access to treatment prior to appearing before a mental health court. These offenders are more likely to stay in treatment than those whose cases are handled by a traditional court. Mental health court participants also demonstrate significant improvements in functioning and quality of life, reductions in psychological distress, and amelioration of drug and alcohol problems.15 Studies also indicate that mental health courts reduce recidivism among mentally ill offenders. In Michigan, the State Administrative Corrections Office evaluated ten mental health courts and found that participants re-offended at a rate 300 percent lower than non-participants.16

Thus, the cost savings and public benefits that mental health courts provide through drastically reduced recidivism, early and less expensive intervention measures, and an overall reduction in crime demand their expansion in California.
LORENZO’S STORY

According to his mother, Lorenzo was a typical boy growing up in California. He enjoyed helping around the house and playing with his friends. But around the age of ten or eleven, Lorenzo’s mother noticed a change in him. He stopped spending time with his friends and began spending more and more time alone.

His mother thought it might just be typical pre-adolescent changes until she came home one day and Lorenzo asked her, “Do you hear them? They’re trying to get me!” Her first worry was that Lorenzo had begun to use drugs, so she immediately took him to the emergency room for an evaluation. That’s when Lorenzo was diagnosed with schizophrenia.

Over the next two decades, Lorenzo’s illness drove him to the streets where he committed petty thefts in order to survive. He spent a great deal of time in and out of jail for these offenses, but never got the treatment he needed for sustained improvement.

All of that changed when he became a participant in San Francisco’s mental health court. There, working with a team of mental health practitioners and court and law enforcement officials, Lorenzo was given the resources and compassionate oversight he needed to address and manage the symptoms of his mental illness. He has been a model participant in the court and is now in school to become a medical technician.

Lorenzo’s mother had been praying 26 years for some relief for Lorenzo from the cycle of mental illness, homelessness and incarceration. Now, she has her son back.
Mentally Ill Inmates And The Crisis Of Prison Overcrowding

In 2011, the United States Supreme Court issued its landmark opinion affirming a lower court decision that crowding in California’s prisons had reached unconstitutional levels and ordering the state to reduce its prison population to 137.5 percent of design capacity.\(^{17}\)

The case began two decades earlier, in 1990, with a class action suit brought in the United States District Court on behalf of mentally ill prisoners, who brought to light deplorable conditions and medical neglect within California’s prisons, amounting to a deprivation of constitutional rights and a violation of the ban against cruel and unusual punishment. In 1995, following a 39-day trial, District Court Judge Lawrence Karlton found “overwhelming evidence of the systematic failure to deliver necessary care to mentally ill inmates” who, among other illnesses, “suffer from severe hallucinations, [and] decompensate into catatonic states.” Judge Karlton appointed a special master to oversee implementation of a remedial plan. Yet the situation continued to deteriorate, according to periodic reports from the special master.

Late last year, a special three-judge panel overseeing the litigation ordered the state to meet the prison population cap set by the Supreme Court in 2011. At the request of Governor Jerry Brown, this February, the three-judge panel granted the state a two-year extension to comply with the prison population reduction plan. In granting the extension request, the panel of judges required the state to implement certain immediate measures, such as expanding reentry support programs, providing additional “good time” credits to certain inmates, and implementing new parole rules, including developing a new parole process based on Proposition 36 for some nonviolent “second strike” inmates.

The percentage of prison inmates exhibiting symptoms of mental illness is exponentially higher than that of the non-inmate population.

<table>
<thead>
<tr>
<th>Percentage of all state prison inmates experiencing symptoms within the past 12 mos.</th>
<th>Mania Disorder Symptoms</th>
<th>Major Depressive Disorder Symptoms</th>
<th>Psychotic Disorder Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>43.2%</td>
<td>23.5%</td>
<td>15.4%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage of persons age 18 or older in U.S. population experiencing symptoms in past 12 mos.</th>
<th>Mania Disorder Symptoms</th>
<th>Major Depressive Disorder Symptoms</th>
<th>Psychotic Disorder Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.8%</td>
<td>7.9%</td>
<td>3.1%</td>
<td></td>
</tr>
</tbody>
</table>


*Prison dorm unit, which houses mentally ill prisoners, California Institute for Men (2013).*

When did prisons become acceptable mental healthcare facilities?
Mentally ill inmates experience significantly higher rates of prison discipline, and are twice as likely to be injured in a prison fight than non-mentally ill inmates.

<table>
<thead>
<tr>
<th></th>
<th>Prisoners with Mental Illness</th>
<th>Prisoners without Mental Illness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charged with prison rule violation</td>
<td>57.7%</td>
<td>43.2%</td>
</tr>
<tr>
<td>Injured in a prison fight</td>
<td>20.4%</td>
<td>10.1%</td>
</tr>
</tbody>
</table>


This April, Judge Karlton revisited the treatment of mentally ill prisoners and in a 75-page opinion found that the state’s supervision and disciplinary procedures for mentally ill prisoners remains unconstitutional. Judge Karlton determined that the state prison system had still not adequately addressed the issues raised in his 1995 opinion and that the prison system continues to use punitive measures, including solitary confinement, to control symptoms of mental illness. Judge Karlton denied the state’s request to end federal oversight of the treatment of mentally ill prisoners in California, ordered new remediation measures, and directed the special master to report on the state’s progress within six months.
The Mistreatment Of Mentally Ill Prisoners Under “Three Strikes”

A disproportionate number of inmates sentenced to life in prison under California’s “Three Strikes” sentencing law are mentally ill. Prisoners sentenced under the Three Strikes law are roughly twice as likely to be mentally ill as other California prisoners. California law needs to be clarified by courts and the legislature, if necessary, to ensure that a defendant’s illness is not used to justify longer imprisonment in any context. The problem is particularly acute in the Three Strikes context.

In some ways it is not surprising that a disproportionate number of Three Strikes prisoners are mentally ill. Compared to defendants without mental health problems, mentally ill defendants have a higher rate of homelessness and drug addiction, often have difficulty contributing to their own defense, and, as discussed elsewhere in this report, generally receive longer sentences than other defendants for the same crimes. The lack of public mental health treatment resources contributes to recidivism by the mentally ill, who eventually become subject to life sentences under the Three Strikes law. Improved public mental health services, particularly residential treatment programs for released prisoners reentering the community, will help address this problem.

In 2012, 70 percent of California voters enacted Proposition 36 to provide an opportunity for inmates sentenced to life under the Three Strikes law for non-serious, non-violent crimes to petition for early release. To date, over 1,700 prisoners have been re-sentenced and released from prison under Proposition 36. The recidivism rate of prisoners released under Proposition 36 has been astonishingly low (less than 1.5 percent). However, mentally ill prisoners sentenced under the Three Strikes law are not receiving the same benefit from the reforms to California’s Three Strikes law.

Under Proposition 36, a prisoner sentenced to life for a non-serious, nonviolent crime will receive a reduced sentence unless a Superior Court judge determines that re-sentencing the prisoner would endanger public safety. According to CDCR data, a large majority (95 percent) of eligible prisoners who petition for re-sentencing under Proposition 36 has received a shorter

Mentally ill prisoners are disproportionately denied shorter sentences under Proposition 36.

Diagram: Pie chart showing 96% of petitions granted, 24% petition denied (mentally ill), and 76% petition denied (general population).
sentence. Yet, 75 percent of those prisoners who have been denied a shorter sentence under Proposition 36 are mentally ill.

One of the reasons that mentally ill Three Strikes prisoners are faring poorly under Proposition 36 has to do with prison disciplinary rules, which play a large role in a judge’s determination of future risk to public safety. Mentally ill prisoners generally have more prison violations than inmates without mental health problems. While this is not surprising, it is problematic. According to the findings of the federal district court and the special master overseeing the prison disciplinary procedures in Coleman v. Brown, since 1995 prison officials have been using disciplinary violations and punishment to control the behavior of the mentally ill in lieu of treatment. As a result, the Coleman court has ruled that prison disciplinary procedures involving mentally ill inmates over the past 20 years have been in violation of constitutional protections and has ordered remedial action.

Superior Court judges evaluating the prison disciplinary records of mentally ill inmates petitioning for new sentences under Prop. 36 should be aware of the historic problems with the prison disciplinary rules involving mentally ill inmates and take into account the prison’s failure to adequately treat and discipline mentally ill prisoners when making a dangerousness evaluation under Proposition 36.

Furthermore, California law generally needs to be clarified to ensure that judges do not impose longer sentences on defendants just because they are mentally ill. Regulations governing which prisoners should be released on parole specifically provide that a prisoner’s mental health status may indicate increased public safety risk and justification for denial of parole. This provision should be eliminated and brought into line with California Rules of Court governing criminal sentencing proceedings, which provide that an offender’s mental illness is a mitigating factor that reduces the offender’s criminal culpability and justifies a reduced sentence. The United States Supreme Court has repeatedly held that defendants whose mental illness contributed to their crimes should not receive the same punishment as defendants who do not have mental health problems. In Penry v. Lynaugh, 492 U.S. 302 (1989) the Court explained:

[We affirm] the belief, long held by this society, that defendants who commit criminal acts that are attributable...to emotional and mental problems may be less culpable than defendants who have no such excuse.

This principle has been extended to limited criminal contexts, like the death penalty. The same rules should be applied to the vast majority of defendants in California and nationwide who do not face capital punishment and who may have committed their crimes as result of mental illness.
Investment In Community Mental Health

The community mental health system has been deficient for many years. We have recently made efforts to rebuild the system—which provides necessary services and programs for collaborative mental health courts, the Department of Corrections, and law enforcement to divert mentally ill offenders to mental health treatment instead of jail or prison—but progress has been slow.

In California, county governments now largely bear the responsibility for funding and providing the majority of mental health programs, including treatment services for low-income, uninsured individuals with severe mental illness and programs associated with the Mental Health Services Act of 2004 (“MHSA,” also known as Proposition 63).

Passed in November 2004, Proposition 63 imposed a one percent income tax on personal income in excess of $1 million. Proposition 63 expanded mental health services for children and adults with severe mental illness whose needs were not covered by existing insurance programs or other federally sponsored programs. Proposition 63 provides funds to counties to expand and develop innovative programs for the mentally ill.

This year, over $1 billion will be allocated to county mental health programs and approximately $80 million will be allocated to state mental health programs under Proposition 63. In Los Angeles alone, programs funded by Proposition 63 provided services to over 150,000 people last year. Participants in the Full Service Partnership program funded by Proposition 63 experienced a reduction in homelessness, psychiatric hospitalization and incarcerations:

- Mentally ill adults achieved a 71% reduction in the number of days spent homeless.
- Mentally ill adults achieved a 50% reduction in the number of days spent in jail.
- Mentally ill youth achieved a 59% reduction in days spent in Juvenile Hall and a 40% reduction in the number of days psychiatrically hospitalized.

Building on this success, Senator Steinberg helped to pass SB 82, the Mental Health Wellness Act of 2013, which provided funds to increase local capacity to assist mentally ill individuals in crisis. SB 82 funds mobile crisis teams, crisis stabilization beds, and better triage for mentally ill individuals. This April, the state approved $75.3 million in
grants, adding 827 residential and crisis stabilization beds, and 39 vehicles and 60 staff for mobile support teams statewide.

In addition to these new state funding streams, the federal Affordable Care Act of 2012 expands eligibility criteria of Medi-Cal to include many mentally ill individuals in the criminal justice system. The Affordable Care Act also provides for a large expansion of mental health and substance use disorder coverage.

These programs have proven that increased support and services to indigent mentally ill individuals can help treat serious and debilitating conditions, help improve public safety (by reducing crime committed by untreated mentally ill individuals), and save money by diverting them from expensive and inappropriate placement in emergency rooms and jails. The state and counties should expand on the success of these programs that are benefits to us all.
A Plan To Stop Imprisoning And Start Treating Our Mentally Ill Citizens

From time to time there have been efforts to expose this disaster but bold proposals for solutions have been lacking. We have seen periodic criticism, but no serious desire or determination for change. We, in California, can and will do better. Recognizing the fundamental importance of a compassionate, just, safe and cost-effective solution, the legislature can take the following immediate steps to address the crisis of mental illness in California’s justice system. Each of these proposals support priorities set forth earlier in the Introduction of this Report: (1) Trial courts should take into account the mental health of each defendant at sentencing; (2) Once sentenced, the Department of Corrections and a newly established court, working together, should oversee the mental health treatment of each prisoner; and (3) All prisoners must have a reentry plan that provides for continued mental health treatment upon release from prison.

These recommendations build on one another in order to achieve truly robust and comprehensive reform. Our plan to stop imprisoning and start treating mentally ill citizens consists of three modest but significant proposals:

1. **Reform the Way We Sentence the Mentally Ill:**

   We propose that all new sentences take into account the mental health of each defendant and, where appropriate, provide a non-prison sentence for any defendant charged with a nonviolent crime/non-serious offense. This new sentencing would apply when the sentencing judge finds that the defense has shown by a preponderance of the evidence that the crime was likely committed as a result of the defendant’s mental illness. Under such a circumstance, the defendant will be sentenced to mental health treatment and monitoring in a non-custodial setting. We propose to provide funding for mental health treatment for these defendants throughout the state. The cost of such treatment is significantly less than the cost of incarceration.

   **Trial Courts Should Take Into Account the Mental Health of Each Defendant at Sentencing.** For many reasons the mentally ill are disproportionately involved in the criminal justice system. We must increase diversion programs to redirect mentally ill defendants away from prisons and jails—which exacerbate mental illnesses, impede treatment, and undermine public safety—toward proven mental health treatment services.

   **We urge** the immediate enactment of SB 1054 and the Mentally Ill Offender Crime Reduction Grant (MIOCR) Program. SB 1054 allocates $50 million from the Recidivism Reduction Fund to fund a competitive grant program for mental health courts and other programs throughout California, helping divert people with mental illness out of corrections and into services. The MIOCR grant program has been successful in the past in reducing the number of people with mental illness in jail and should be reestablished.
2. Provide Meaningful Treatment in Prison:

We propose that when a sentencing judge finds (a) that a defendant’s serious offense was caused in large part by his mental illness, or (b) that a defendant who committed a nonserious offense needs to be incarcerated due to the danger to himself or others, the judge will order the provision of meaningful mental health services as part of the terms and conditions of incarceration. These mental health services, although overseen and provided by the Bureau of Prisons, will nevertheless be reviewed from time to time by a special Mental Health Prison Oversight Court, which will be set up to assure that proper mental health services are being provided to each incarcerated defendant. This special court will be made up of judges and mental health professionals who will work together to fashion and oversee the treatment of incarcerated prisoners in need of mental health treatment. This new Mental Health Prison Oversight Court will provide initial sentencing recommendations to trial court judges who request the court’s input. Following a defendant’s sentencing, the new court will have authority to oversee the mental health treatment of the incarcerated defendant, and will be empowered to order changes to the treatment plan that the court deems appropriate. This is a bold new proposal to integrate the independence of the prison system with the oversight of a special court as part of the judiciary. We recognize the problems and challenges of implementation, but we are confident that the goodwill and creative cooperation of all concerned will allow for the implementation of this change.

Once Sentenced, CDCR and a Newly Established Court Will Oversee the Treatment and Housing of Each Mentally Ill Prisoner. Despite two decades of federal litigation designed to improve the mental health care of California prisoners, treatment for the mentally ill in prison still falls well below minimal constitutional standards in many important respects.
We must provide the mentally ill with appropriate housing and personnel to treat their needs.

We urge expanded training for corrections officers, and mental health, healthcare, and rehabilitative programing staff. Establish an intensive training program for correctional officers, healthcare, mental health, and rehabilitative program staff. Require in-service training that integrates mental health, healthcare, and correctional officer staff.

We urge the construction of mental health treatment facilities and substance abuse treatment facilities. The Governor’s Budget proposes an additional $500 million on top of the $1.2 billion already budgeted for jail construction. This funding needs to be expanded to include construction of mental health treatment facilities and substance abuse treatment facilities.

3. Continue Meaningful Treatment After Prison:
Finally, we propose that all prisoners, prior to release, be evaluated for post-release mental health needs and, where appropriate, be referred to mental health centers for the ongoing provision of mental health care. These new mental health centers will be located throughout the state and will have access to the mental health records of the released prisoners, recommendations for appropriate post-release mental health care, and the funding needed to provide these services for at least one year following release. As indicated above, providing these services will more than pay for itself in terms of costs saved by avoiding the extraordinary (financial and human) costs of incarceration.

Prisoners Will Be Provided with a Mental Health Reentry Plan Upon Release. The mentally ill confront distinct, yet treatable, challenges as they reintegrate into the community. We must provide them with support as they meet these challenges.

We urge the guarantee of transitional housing upon release for the mentally ill. Require all mentally ill parolees to be released 90 days early into an intensive transitional housing program.

We urge the creation of a corps of mental health parole officers. Create a specialized caseload for parole agents for mentally ill parolees with a caseload of 1 parole agent to 20 mentally ill parolees. The mental health parole agent should have a minimum of an Associate’s Degree, at least one year of social casework experience, and training in cognitive behavior treatment and motivational interviewing.
We urge the re-establishment of Parole Out-patient Clinics (POC) as case management offices. As the parole population decreases, the state should change the mission of the Parole Out-Patient Clinic and establish three different levels of case management:

- **Initial 30 Day Case Manager**: This case manager will meet with the parolee immediately upon release, assess for needs, and establish initial essential services, including housing, sobriety maintenance, and medical and mental health care.

- **Long-term Case Manager**: This case manager will partner with multiple parole agents to assist both the parolee and the parole agent in maintaining access to services.

- **Mental Health Case Manager**: A specially trained social worker who will work with parolees identified as mentally ill and their specially-trained parole agents to develop individualized case management plans, ensure the parolee is enrolled in Medi-Cal, connect the parolee with physicians, and establish the first medical and mental health appointments for the parolee. The parole agent and the case manager will work together to address all reentry needs of the parolee, including housing, health care and employment.

We urge that mentally ill Proposition 36 offenders receive state services. A disproportionate number of prisoners sentenced to life under California’s Three Strikes law are mentally ill. We should continue to provide parolee services for prisoners released under Proposition 36. Last year, CDCR and Administrative Office of the Courts established a referral process for Proposition 36 offenders to receive existing parole reentry services. These services have helped ensure a historically low recidivism rate among prisoners released under Proposition 36 and should be continued.
When did prisons become acceptable mental healthcare facilities?

Footnotes

1 Unless otherwise noted, all data in this report were provided by the California Department of Corrections and Rehabilitation (2014). For purposes of this report, “mental illness” is defined as a condition that qualifies for placement in the prison’s Mental Health Delivery System within the last year.


4 Legislative Analyst’s Office, Major Milestones: 43 Years of Care and Treatment of The Mentally Ill (2000).

5 G.E. Witmer, From Hospitals to Jails: The Fate of California’s Deinstitutionalized Mentally Ill, American Journal of Orthopsychiatry 1980; 50:65 75.


10 States’ Use of Cost Benefit Analysis: Improving Results for Taxpayers, Pew Macarthur Results First Initiative (July 2013).


12 Id.


14 Id.


19 See Title 15 Sec. 2281(c)(5).

20 See Cal. Rule of Court Sec. 4.423(b)(2).
Sheriff's Guide to Effective Jail Operations

Mark D. Martin
Paul Katsampes, D.P.A.

January 2007
NIC Accession Number 021925
This document is supported by cooperative agreement #06J46GJJ2 from the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official opinion or policies of the U.S. Department of Justice.
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>v</td>
</tr>
<tr>
<td>Preface</td>
<td>vii</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>ix</td>
</tr>
<tr>
<td>Chapter 1. Role, Purpose, and Characteristics of the Jail</td>
<td>1</td>
</tr>
<tr>
<td>Purpose of the Jail</td>
<td>1</td>
</tr>
<tr>
<td>The Role of the Jail in the Local Criminal Justice System</td>
<td>1</td>
</tr>
<tr>
<td>Characteristics of the Jail Population</td>
<td>2</td>
</tr>
<tr>
<td>Chapter 2. Sheriff’s Roles and Responsibilities</td>
<td>5</td>
</tr>
<tr>
<td>Chapter 3. Providing Effective Leadership and Support for the Jail</td>
<td>9</td>
</tr>
<tr>
<td>The Leadership Function and Expected Outcomes</td>
<td>9</td>
</tr>
<tr>
<td>Creating a Vision</td>
<td>9</td>
</tr>
<tr>
<td>Developing and Implementing the Mission and Goals</td>
<td>10</td>
</tr>
<tr>
<td>The Jail Administrator as a Member of the Sheriff’s Executive Team</td>
<td>12</td>
</tr>
<tr>
<td>Managing Human Resources and Creating a Positive Organizational Culture</td>
<td>12</td>
</tr>
<tr>
<td>Managing the External Environment and Developing Public Policy</td>
<td>15</td>
</tr>
<tr>
<td>Chapter 4. Liability and Standards</td>
<td>19</td>
</tr>
<tr>
<td>Jail Liability</td>
<td>19</td>
</tr>
<tr>
<td>Jail Standards</td>
<td>20</td>
</tr>
<tr>
<td>Chapter 5. Jail Physical Plant</td>
<td>23</td>
</tr>
<tr>
<td>Characteristics of Facilities That Support Effective Jail Operations</td>
<td>23</td>
</tr>
<tr>
<td>Capacity and Jail Crowding</td>
<td>23</td>
</tr>
<tr>
<td>Environmental Conditions, Sanitation, and Maintenance</td>
<td>24</td>
</tr>
</tbody>
</table>
The National Institute of Corrections (NIC) recognizes that many local jails across the country are the responsibility of the elected county sheriff. With this in mind, NIC developed the Sheriff’s Guide to Effective Jail Operations to focus on jail issues from the perspective of the sheriff. This guide provides an overview of the sheriff’s roles and responsibilities with regard to the jail along with basic information on critical aspects of jail operations and management.

The guide highlights the types of support and leadership the sheriff should provide to enable jail administrators to effectively manage the jail and includes other information to help the sheriff address jail problems, manage liability issues, and improve operations. Review checklists are included throughout the guide to help the reader assess the status or performance of his/her own jail. The guide concludes with a chapter outlining the steps a new sheriff may take during the first few months in office to learn about his/her jail and identify potential problem areas.

The content of the guide is drawn in part from the NIC publication, Resource Guide for Jail Administrators (Martin and Rosazza, 2004), and is organized to serve as a companion document to the larger Resource Guide. Readers interested in additional information about specific aspects of jail operations should refer to the Resource Guide.

We hope this document will assist new sheriffs who are learning about their responsibilities for the jail for the first time as well as veteran sheriffs seeking to improve the effectiveness of their operations. We invite sheriffs and other readers to take advantage of the other resource documents NIC has developed specifically for jails and to contact the NIC Jails Division for additional assistance, if needed.

Morris L. Thigpen
Director
National Institute of Corrections
In the United States there are more than 3,000 county jails. In most states, the operation of the county jail is the sheriff's responsibility. Statutes typically identify the sheriff as the “keeper” of the jail and often include language that requires sheriffs to “take charge and custody of the prisoners lawfully committed and keep them until they are discharged by law.” Although many sheriffs hire jail administrators to manage day-to-day operations, it is the sheriff who is ultimately responsible for securing resources for the jail and ensuring that the jail is operated in a safe, secure, humane, and legal manner.

The jail is only one of a number of major duties that may be assigned to the sheriff. Other duties may include law enforcement services, civil process, communications, court security, and inmate transport. However, given public safety concerns and the high potential for liability associated with incarceration, the operation of the jail is undoubtedly one of the sheriff’s most critical duties.

In being responsible for the county jail, the sheriff faces the challenge of managing a criminal justice agency that is at the bottom of the priority list for public funds. County citizens often view the allocation of money for the jail as benefiting inmates, and they prefer making funds available to other “worthier” causes. In addition, law enforcement personnel, other county agencies, and public programs often view the jail as a competitor for public monies. The result is that political officials and public administrators are not enthusiastic about supporting the needs of the jail. They often wait until the courts, mobilized by inmate lawsuits, pressure agencies to change. This situation became complicated during the late 1970s and early 1980s, when jails became crowded in response to an increase in the length of sentences (primarily mandatory sentences for offenses such as driving under the influence, or DUI) and in the number of jailable offenses (such as domestic violence and DUIs). Capacity limits on prison populations, which kept prison-sentenced inmates in jail longer, and jail sentences as a condition of probation also contributed to jail crowding.

Law enforcement officials, judges, prosecutors, and other criminal justice agency decisionmakers seldom admit that jail conditions and jail crowding have any significant impact on their policies and day-to-day decisions. In conducting criminal justice system assessments, however, officials often learn that jail conditions do affect how people do their business. The jail, although a low-priority public agency, can significantly influence the policies of the criminal justice system. This systemic effect requires that the jail population be managed and monitored regularly.

Furthermore, criminal justice agency officials must recognize the influence their respective agencies’ policies have on other agencies and programs in the system. The sheriff must assume a leadership role to create a positive and professional jail operation and ensure that the jail is recognized as a significant part of the criminal justice system.
As elected officials, sheriffs come from diverse backgrounds and many begin their tenure without substantial knowledge about the jail or what is required for effective jail operations and management. To assist newly elected sheriffs, this guide provides a basic overview of jail operations and the sheriff’s roles and responsibilities in operating and managing the jail.
The Sheriff’s Guide to Effective Jail Operations was written under the direction of the National Institute of Corrections (NIC). Special thanks to Virginia Hutchinson, Alan Richardson, Jim T. Barbee, and Georgette Walsh at NIC for their leadership and assistance in the development of this guide. Thanks also go to Shelley Zavlek, who edited the initial draft, and to Christine Tansey and Janet McNaughton at Lockheed Martin Information Technology, who took the document from the draft stage to final publication.

We also wish to express our appreciation to the following individuals who took time out of their busy schedules to review and comment on drafts of the guide:

- Nick Albers, Jail Standards Coordinator, Idaho Sheriffs’ Association
- Richard Hodsdon, Legal Counsel, Minnesota Sheriffs’ Association
- Sheriff Ken McGovern, Douglas County, Kansas
- Sheriff Glen Meier, Valley County, Montana
- Sheriff Craig Roberts, Clackamas County, Oregon
- Sheriff Matt Strittmatter, Wayne County, Indiana

Their thoughtful reviews helped ensure the relevancy of the guide to the intended audience and enhanced its overall usefulness and readability.

Mark D. Martin
Paul Katsampes, D.P.A.
Purpose of the Jail
The jail is integral to local government’s public safety function and is an essential element of the local criminal justice system. It serves five basic purposes:

- To receive and process people arrested and taken into custody by law enforcement.
- To hold accused law violators to ensure their appearance at trial.
- To hold offenders convicted of lesser offenses—usually misdemeanors, but also low-level felonies in some jurisdictions—as a court-ordered sanction.
- To hold individuals remanded by the court for civil contempt.
- To hold offenders for other jurisdictions or those awaiting transfer to prison or other facilities.

To meet these objectives, jails are typically organized around two basic functions:

- Booking and intake.
- Custody.

The booking and intake function of the jail serves a vital public safety function by providing a place where individuals taken into custody can be safely processed and assessed to determine the risks they present. Individuals who are not released shortly after intake or following their initial court hearing generally are those charged with serious offenses, who represent a public safety risk; those likely to flee the jurisdiction before their cases can be adjudicated; and those unable to make bond or otherwise secure pretrial release. Pretrial inmates constitute more than half of the jail’s population. The purpose of pretrial incarceration is not to punish, but to protect the public and/or ensure court appearance.

In its custody function, the jail houses this pretrial population along with inmates sentenced to the jail. As a sanctioning option, the jail provides a means of holding convicted offenders accountable for their illegal acts. A central goal of incarceration as punishment in our system of justice is to discourage offenders from committing future criminal acts and to send a message to would-be offenders about the possible consequences of illegal behavior. Rehabilitation and reintegration are sometimes considered secondary goals of incarceration, and within the constraints of available resources, many local jails do make an effort to provide inmates with opportunities for self-help and change to deter future criminal behavior.

The Role of the Jail in the Local Criminal Justice System
The jail is a critical component of the local criminal justice system. It is used to address the need for detention at various points in the criminal justice process. Jails typically serve multiple law enforcement agencies in the community, including local law enforcement, the state police, conservation officers, and federal authorities. Jails also serve prosecutors, the courts, and probation
and parole agencies. The jail serves these entities by holding the following groups in custody:

- New arrestees pending arraignment, trial, conviction, and sentencing.
- Offenders sentenced to jail time.
- Persons accused of probation, parole, or bail-bond violations pending revocation proceedings.
- Offenders sentenced as a sanction for probation or parole violations.
- Convicted offenders awaiting transfer to state or federal institutions.
- Illegal immigrants pending transfer to federal authorities.
- Offenders in the armed services awaiting transfer to military authorities.
- Offenders held for violations of court-ordered conditions such as failure to pay fines, contempt, failure to appear in court, violations of restraining orders, and failure to attend counseling.
- Juveniles charged as adults or pending transfer to juvenile authorities.
- Detainees held under contract for other local, state, or federal jurisdictions.
- Witnesses for court.
- Offenders held for state or federal authorities under a contractual arrangement with the local jurisdiction, or because the state or federal facilities cannot accept new inmates because of overcrowding.

As evidenced by the list above, the jail responds to many needs in the criminal justice system and plays an integral role within that system. These needs are dynamic and influenced by the policies, practices, and philosophies of the various users of the jail. The sheriff must understand these various needs and be cognizant of the policies and practices that significantly affect the composition of the jail population and the demand for bed-space. The sheriff, along with other criminal justice system officials, should periodically assess how well the jail is meeting the needs of the local criminal justice system. Such assessments help identify the need for additional resources or for changes in system policies and practices affecting the use of the jail.

**Characteristics of the Jail Population**

The jail serves a tremendously diverse population. Unlike prisons, where inmates generally are of the same gender, legal status, and custody level, jails are expected to manage a broad cross section of people. At any given time, the jail population may include males and females, juveniles and adults, the dangerous and the vulnerable, the minor offender and the serious offender, the physically fragile and the mentally ill, and the chemically addicted.

Inmates come to jail with varying degrees of medical, mental health, substance abuse, family, financial, and literacy issues. While in jail, they may display a wide range of emotions, including fear, anger, and anxiety, as well as violent, antisocial, and suicidal behaviors. The jail has a responsibility to appropriately house inmates and manage the behavior of this diverse population while they are in custody.

The jail has little control over the number or types of inmates it holds or how long they stay. Rather, the various criminal justice agencies the jail serves—law enforcement, prosecutors, courts, probation, etc.—and the efficiency of case processing will largely determine who comes to jail and how long they stay. Laws establishing the role and function of the jail, criminal penalties for law violations, the incidence of crime, and public attitudes about crime also influence the use of the jail.
Chapter 1: Role, Purpose, and Characteristics of the Jail

Review Checklist: Role, Purpose, and Characteristics of the Jail

❑ Does your county have a mission statement that describes the purpose of your jail? (See Chapter 3 for more information about jail mission statements.)

❑ If so, does the actual use of the jail correspond to its intended role and purpose?

❑ Do you have regular access to accurate data on the jail population, so as to ensure appropriate use of the jail?

❑ Is your jail currently meeting the needs of the local criminal justice system?

❑ Are there problems with the jail that adversely affect the functioning of the local criminal justice system?
Jails today must be recognized and operated as professional institutions. They can no longer be operated on an ad hoc basis within the sheriff’s office. Regardless of their size, jails require the sheriff to be a full-time professional administrator capable of handling multiple roles internal and external to the jail. The sheriff must function effectively as the organization’s leader, as the manager of its operations and resources, and as the supervisor of the jail administrator.

As a leader, the sheriff:
- Creates a vision for the organization.
- Helps define the jail’s mission and the goals that must be met to achieve that mission.
- Creates a sheriff’s office executive management team that includes the jail administrator as an equal member.
- Builds a culture within the jail division that supports the attainment of desired outcomes.
- Serves as liaison to the external environment of the sheriff’s office (i.e., the local criminal justice system, special interest groups, stakeholders, the community, and the media).
- Influences and develops public policy supporting the agency mission.
- Creates and maintains a competent and diverse workforce.

As a manager, the sheriff:
- Mentors and coaches the jail administrator and other staff to elicit desired behaviors and develop talent.
- Ensures that policies and procedures that meet professional standards are established to guide the staff and the organization in day-to-day operations.
- Motivates the jail administrator and other staff to align their personal goals with those of the jail.
- Implements the policy of the sheriff’s office by providing thorough written directives and training on those directives.
- Monitors activities and assesses results by collecting and analyzing performance data on a regular basis.
- Manages and allocates budgets, staff, and other resources.
- Manages the organization’s preparation for and response to crisis situations and emergencies.

As a supervisor, the sheriff:
- Stays informed about day-to-day operations in the jail and is visible and available to assist when necessary.
- Monitors compliance with policies, standards, and legal requirements through the establishment of a systematic internal inspection and review process.
- Supports and facilitates the jail administrator’s efforts to redirect underperformers and address misconduct of jail staff.
- Monitors the jail administrator’s performance through regular reviews and quality assessment.
Sheriffs need the trust and support of their jail administrator to get this increasingly complex job done. A survey of jail administrators attending a National Institute of Corrections (NIC) training program, “The Jail as a Part of County Government,” in 2005 asked the administrators what types of support they needed from the sheriff to be effective in their job. Their responses included the following recommendations for sheriffs:

- Give the jail administrator full support and backing.
- Be knowledgeable about the jail.
- Participate in problem solving.
- Be involved, but do not micromanage.
- Understand the jail’s budgetary needs.
- Help road patrol and other divisions in the sheriff’s office better understand the jail’s needs and/or issues.
- Foster cooperation and communication with the courts and other key decisionmakers.
- Support adequate staffing, training, and facilities.
- Support equitable salaries and benefits for jail staff.

To support the jail administrator and contribute to the effective functioning of the jail, the sheriff should:

### Stay informed.

- Visit the jail regularly.
- Attend training on jail issues and trends.
- Stay current with applicable jail standards.
- Read jail-related periodicals and resource materials.
- Review reports prepared by jail staff, inspectors, and others.

- Meet regularly with the jail administrator to review accomplishments and address issues.

### Be proactive.

- Work with the jail administrator to solve problems in the early stages.
- Encourage staff to help provide solutions to problems.
- Support the use of nonjail options to help manage the growth of the jail population and ensure that the jail is being used as intended.
- Give risk management a high priority.
- Work with the jail administrator to comply with standards.
- Work with the jail administrator to achieve adequate staffing levels and develop a qualified workforce.
- Support the jail administrator’s efforts to keep the jail current with computer technology and related resources.

### Secure adequate resources for the jail.

- Help secure an adequate operating budget.
- Work with the funding authority for resources to support and maintain an adequate facility.
- Help the jail administrator secure nonfiscal resources available through other county and state agencies.
- Support the jail administrator’s efforts to secure grant funding, subsidies, and other sources of financial support.
- Support cost-sharing efforts through cooperative agreements with other jurisdictions.
Work with the jail administrator on ways to generate revenue. (However, do not create an overreliance on revenues for essential jail operations.)

**Provide leadership.**
- Help facilitate criminal justice system coordination.
- Support internal strategic planning and goal setting.
- Support training and professional development opportunities for the jail administrator.

**Be an advocate and a champion for the jail.**
- Promote jail-friendly legislation in the state legislature.
- Work with the jail administrator to develop an effective public education and communication plan for the jail.
- Advocate for needed resources with the funding authority and in community forums.

**Review Checklist: Sheriff’s Roles and Responsibilities**
- Do you view your leadership role as sheriff as that of a full-time professional administrator?
- Do you have a good understanding of your multiple roles as sheriff, both internal and external to the organization?
- Are your leadership, managerial, and supervisory knowledge and skills where they need to be to lead the sheriff’s office and jail effectively? Are there areas where you would like to improve?
- Do you provide the level and types of support needed by your jail administrator for the effective operation of the jail?
Providing Effective Leadership
and Support for the Jail

The Leadership Function and Expected Outcomes

There are significant benefits in providing effective leadership and support for the jail, not just for the sheriff, but also for the community. A well-managed, professional operation results in a safe and clean jail environment, which in turn reduces litigation and liability exposure and maintains a positive public image. Efficient jail operation is achieved through compliance with standards and the efforts of a well-trained, motivated workforce.

The sheriff’s leadership responsibilities include creating a vision for the organization; defining the jail’s mission and goals; implementing the jail’s mission through proper planning, budgeting, and monitoring; including the jail administrator in the executive management team; creating and maintaining a competent and diverse jail workforce; building a positive organizational culture within the jail division; influencing the external environment of the sheriff’s office and jail; and developing public policy that recognizes the jail as an integral part of the criminal justice system.

Creating a Vision

The vision is the leader’s statement of the organization’s direction and its near-term goals. Jim Collins, a private researcher in the field of leadership and management, identifies four elements of a successful vision (Collins and Porras, 1991):

- The vision must be clear.
- The vision must be compelling.
- The leader must catalyze commitment to and vigorous pursuit of the vision.
- As a result, the leader stimulates higher performance standards.

The sheriff must use the vision to keep the jail administrator, jail supervisors, and jail staff focused on the direction of jail operations and the boundaries of decisionmaking. In communicating his/her vision, the sheriff should:

- Present ideas so others can understand the reasoning behind the direction.
- Give credit to those who helped make the organization what it is today.
- Be prepared to repeat the ideas over and over again.
- Give everyone a role in helping to refine and implement the direction.
- Be patient. Others have not had as much time as the executive to absorb the ideas.
- Beware of instant success. If everyone agrees immediately with the executive’s ideas, it is highly likely that they are not being honest.
- Be prepared for resistance, and do not take it personally. It is natural for people to resist change.

The vision statement is fundamental to effective leadership. It expresses a unique and ideal image of the future for the common good of the jail.
and the sheriff’s office. The sheriff is responsible for defining the vision. Although certain aspects of the vision generally change with each new sheriff’s administration, the vision always should:

- Express the organization’s highest standards and values.
- Provide the focus for the organization’s efforts and the impetus for significant achievement.
- Inspire the organization to “stretch,” grow, and improve.
- Be achievable within a given period of time, such as the sheriff’s term of office.
- Be supported by a plan for its achievement.

The following sample vision statement for a county jail reflects these characteristics:

1 This vision statement is an example developed by the authors using the principles presented in the National Sheriffs’ Institute Training Program relating to developing a leadership direction for a sheriff’s office.

A mission statement is a short, concise statement describing the purpose of the jail, that is, why it exists. The mission statement normally includes the following information:

- The legal authority and responsibility of the facility within the local justice system.
- The purpose and identity of the organization.
- The values and philosophy of the facility and the community.
- The ways in which the facility will serve those affected by its work.

Goals are statements describing the outcomes resulting from the organization’s ability to fulfill its mission. They also establish priorities that focus the organization’s work on those activities that are essential to success.

The jail’s mission and goals are defined and shaped by a number of factors:

- Statutes that mandate the jail’s existence and its general purposes.
- Community and criminal justice system values and expectations.
- The sheriff’s vision, knowledge, and experiences.
- The funding authority’s values and expectations.
- Court decisions.
- The availability of resources.
- The jail itself.

Developing and Implementing the Mission and Goals

Mission and goals are also essential elements of an effective organization. They give the organization purpose and help keep it on track. They also give the sheriff and his/her jail administrator a means of measuring current performance and provide a basis for future plans.
Working with the jail administrator, the sheriff incorporates these mandates and expectations, along with his/her own philosophical orientation, into succinct mission and goals statements for the jail.

Following is a mission and goals statement from a Colorado sheriff’s office:2

The sheriff’s office is responsible for maintaining the county jail in a manner that ensures safety and security for the general public, jail staff, visitors to the facility, and jail inmates. The facility is designed to comply with Colorado state laws, the constitutional requirements as defined by the U.S. Supreme Court, and the American Correctional Association Standards for Local Detention Facilities.

The facility serves as a countywide offender intake center and detention center for pretrial and sentenced felons and misdemeanors. To ensure security and safety, the facility operations include a classification system that separates males from females, violence-prone inmates from others, and work-release inmates from other inmates.

The facility has a goal that no inmates shall leave the facility in worse condition, physically or psychologically, than when they entered. Achievement of this goal is enhanced through adherence to life safety codes, the availability of inmate activities, and regular programming. The facility will offer education, mental health counseling, and jail ministry programs for inmates. Appropriate medical care, alternative meals, programs to address drug and alcohol dependency, no-smoking programs, and religious counseling will be made available. Work release and community service will be available to judges for the sentencing of offenders that meet community correctional criteria.

The county sheriff also recognizes that for most offenders, incarceration is punishment in itself and that staff deserve a positive work environment.

Once the facility’s mission and goals are established, plans for their implementation must be developed. Planning provides the organization with direction and focus; it determines how the organization will function and what it will accomplish. Planning aligns the facility’s goals, activities, and resources to achieve its mission. The planning process provides a systematic way for the sheriff to make decisions regarding the effective allocation and use of available resources for the jail and other functions of the office. Information developed in the planning process becomes a primary resource in the development and justification of the office’s budget.

The sheriff obtains and uses the financial resources needed to operate the jail through the jurisdiction’s budget process. To provide effective leadership in this area, the sheriff must know the budget process for the jurisdiction and the specific responsibilities of the sheriff’s office for budget development and management. Ideally, the sheriff and the jail’s management team should play a key role in the process. Those who actually manage and deliver the services are most knowledgeable about what resources are needed and how to allocate resources. Although the jail’s budget is typically combined with the sheriff’s overall budget, it should be established as a distinct program within the sheriff’s office budget so the jail administrator knows what financial resources he/she has to work with and can manage those resources to meet the jail’s goals and objectives.

The jail’s operations and programs should be monitored regularly through a process of internal inspections and reviews. An internal monitoring system provides timely observation and assessment of critical jail functions and helps the sheriff and jail administrator stay informed about programs, activities, and problems in the jail.

---

1 This example was adapted from the mission statement of the Boulder County Jail in Boulder, Colorado.
It can reveal how well the facility is complying with policies and procedures, standards, and other legal requirements. It also provides a means of determining whether the jail is meeting its goals and helps identify areas in need of improvement.

The jail may also be inspected by a number of external entities having regulatory responsibility over various aspects of jail operations. This may include a jail inspection agency, a health department, a fire inspection agency, building code inspection bureaus, and agencies responsible for monitoring workplace safety. The sheriff should encourage his/her jail administrator to develop good working relationships with representatives from external inspection agencies. In addition to the objective assessment provided by an external inspection, the agency may be a source of technical assistance and support when improvements are needed.

The Jail Administrator as a Member of the Sheriff's Executive Team

The sheriff's office executive team usually consists of the sheriff (the team leader), the undersheriff or chief deputy, the division commanders, and an administrative manager. It is critical that the jail administrator be included as a member with status and decisionmaking power equal to that of the other members of the team. The sheriff has the responsibility to set the tone for team interactions, modeling and reinforcing behaviors that encourage trust, open communication, honesty, respect, innovation, team spirit, commitment to vision, and accountability. The sheriff, as a team leader and facilitator, needs to be a role model for the team members.

As the leader, the sheriff should facilitate collaborative working relationships among team members and enable them to share power. Sheriffs who rule with an iron fist and demonstrate no faith in the ability of the members of their executive team to take on responsibilities will find the team of little help to them. In other words, the sheriff needs to develop team members into strong independent leaders who know the value of protecting their interests and, at the same time, working with others for the good of the organization.

The characteristics of the individuals who make up the executive team contribute to its effectiveness. The sheriff should work to build on individual strengths and compensate for individual weaknesses by acting in a supervisory role as a mentor to individuals in their personal and professional development process. The ability to work well together is a fundamental component of a successful team. Three keys to establishing a collaborative climate are clearly defined roles and responsibilities, strong lines of communication, and positive relationships.

As a member of the executive team, the jail administrator should actively participate in organizational decisions, working with other division commanders to solve problems not just for the jail, but also for the overall organization. If the team is committed to the overall success of the sheriff’s office, division commanders will focus on helping other divisions, as well as their own, to succeed.

Managing Human Resources and Creating a Positive Organizational Culture

Effectively managing human resources is one of the sheriff’s most challenging and important responsibilities. There are myriad laws and regulations addressing all aspects of human resource management. In addition, collective bargaining
agreements often spell out additional employment conditions and rights. As manager of the jail’s workforce, the sheriff should be aware of these requirements.

The sheriff can support the jail administrator’s efforts to deal with human resource issues by taking these positive steps (Katsampes, 2004):

- Developing written personnel policies and procedures.
- Developing written job descriptions.
- Properly classifying employees.
- Evaluating employee performance.
- Applying policies and procedures consistently.
- Following the rules carefully in disciplining staff.
- Maintaining adequate documentation.
- Supervising direct reports and modeling supervision best practices.
- Ensuring that meaningful performance reviews are conducted regularly.
- Ensuring that timely and fair processes for mediation of staff problems, complaints, grievances, and labor relations issues are in place.
- Encouraging the development and realization of opportunities for employee development and being sure employees understand how to access them.
- Determining the division/institution’s staffing needs and ensuring that appropriate steps are taken to meet these needs.
- Ensuring the establishment of fair and equitable human resource policies.
- Establishing a positive working environment by creating a progressive vision, mission, and set of goals for the organization and a positive organizational culture.

**Organizational Culture—What Is It?**

Organizational culture may be described as a set of assumptions, values, and beliefs shared by members of an organization (Stojkovic, Kalinich, and Klofas, 1998). It may be derived, in part, from the culture and values of the community. These assumptions, values, and beliefs often influence the behaviors of the jail staff, especially in response to work-related problems. Such behaviors may be positive—supporting the sheriff’s office vision and mission—or negative—undermining the vision and mission. In any case, the norms and values of various groups influence the operation of the jail (Katsampes, 1998; Katsampes and Nees, 2002). Therefore, it is important for the sheriff to establish policies and procedures that contribute to a strong, positive organizational culture.

**Organizational Culture—How It Develops**

Organizational culture is developed and maintained through a process that includes three distinct stages—anticipatory, formal, and informal (Stojkovic, Kalinich, and Klofas, 1998).

The anticipatory stage occurs before an individual enters an occupation. In this stage, the job applicant’s perceptions about the jail operation are being shaped even before they are hired. The applicant’s perceptions are influenced by others who have varying degrees of familiarity with jail operations—including family members, neighbors, teachers, and the media. Perceptions also are influenced by the information applicants receive through the recruiting process or other direct contact with the sheriff’s office.

The formal stage consists of the preservice and on-the-job training conducted by the sheriff’s office for the purpose of teaching the new jail
employee the “right way,” or the organization’s way, of performing jail duties.

The informal stage occurs as various veteran jail staff tell the new jail officer “how we really do things here” and express views of right and wrong as they have been developed by the staff’s informal culture. Often feeling a need to be accepted by their colleagues, new employees may be easily influenced by peers and supervisors. This need to belong to the group is even stronger in criminal justice occupations because of safety concerns—concerns that are especially evident in jail operations. When the learning that occurs in the informal stage is in line with the sheriff’s vision and mission, it reinforces the commitment of the new employee to an overall positive organizational culture. When it diverges from that vision, the learning serves only to perpetuate a negative culture.

Developing or changing the culture of a jail staff is a challenging and long-term goal. Values that have become ingrained over the years are not easily changed. The sidebar “Developing the Organization’s Culture” presents strategies that should result in the selection and retention of workers who are committed to the direction of the sheriff’s office and the jail organization.

**Developing the Organization’s Culture**

<table>
<thead>
<tr>
<th>Anticipatory Stage</th>
<th>Formal Stage</th>
<th>Informal Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Use agency advertising: the media, including news articles; and high school and college job fairs.</td>
<td>1. Increase the amount of preservice training.</td>
<td>1. Identify jail staff opinion leaders and include them in training programs.</td>
</tr>
<tr>
<td>2. Use model jail officers in recruiting efforts.</td>
<td>2. Increase the training emphasis on ethics and professionalism.</td>
<td>2. Identify officer safety and security issues and needs.</td>
</tr>
<tr>
<td>3. Clearly state the organization’s vision, mission, goals, and policies and procedures during the recruiting and selection process and explain the consequences of violations.</td>
<td>3. Develop or reorganize the Field Training Officer (FTO) program.</td>
<td>3. Reduce low staffing and inmate crowding.</td>
</tr>
<tr>
<td>4. Develop selection requirements that emphasize professionalism and education.</td>
<td>4. Implement a first-line supervisor training program that emphasizes problem solving and accountability.</td>
<td>4. Involve middle managers and first-line supervisors in problem solving and strategy meetings.</td>
</tr>
<tr>
<td>5. Use psychological, social, and value-based instruments and interviewing in the selection process.</td>
<td>5. Clarify the organization’s vision, mission, goals, and policies and procedures. Clearly state the consequences of violations.</td>
<td>5. Terminate or demote staff who do not support or implement solutions.</td>
</tr>
<tr>
<td></td>
<td>6. Implement a progressive disciplinary process for officer infractions.</td>
<td>6. Initiate a collaborative conflict resolution process using small groups of officers to identify the safety and security needs of officers and the needs of the administration.</td>
</tr>
<tr>
<td></td>
<td>7. Terminate repeat or serious offenders.</td>
<td>7. Create officer problem-solving teams to identify solutions to inmate control problems.</td>
</tr>
<tr>
<td></td>
<td>8. Terminate new officers who are not professional during the FTO and probationary stage.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Promote and reward officers who are productive, professional, and opinion leaders.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. Reward officers who recruit professional applicants.</td>
<td></td>
</tr>
</tbody>
</table>

Managing the External Environment and Developing Public Policy

Managing the external environment is defined as interacting with citizens and interest groups, collaborating with other agencies, acquiring necessary resources, maintaining a productive place in the criminal justice system, and applying effective techniques and strategies to building public and media relations. Effective sheriffs recognize that their organizations are part of a larger whole, and external conditions may influence day-to-day operations and long-term goals.

Developing Public Policy

The sheriff’s leadership role includes responding to new laws, court decisions, and legislation; presenting needs and requirements to the county commissioners; developing relationships with community and special interest groups; implementing new technology; and recognizing social conditions. Sheriffs must learn to effectively carry out all these tasks. The sheriff must understand that he/she is part of a system in which all parts have an influence on the other parts. The external factors fluctuate continually, as does their impact on agencies of the criminal justice system. The sheriff must be aware that the sheriff’s office (particularly the jail) is dependent on others. It is important that the sheriff’s office be capable of performing environmental assessments, identifying trends, and developing strategies to respond to the changing environment.

The sheriff differs from other managers in that he/she should not only respond to environmental influences, but also should actively shape or guide policy and budgetary directions affecting jail operations. Knowing the community enables the sheriff to make sound decisions and build viable partnerships. The sheriff must be able to discern which partnerships should be established, refreshed, or abandoned. The sheriff’s office is part of a larger system; what others do affects the office, and what the office does affects them.

Special interest groups, stakeholders, and other agencies have either overt (obvious) interests or covert interests (hidden agendas, unidentified issues, politically incorrect issues, etc.). To identify these interests and uncover hidden agendas, the sheriff should:

- Conduct meetings with these groups and ask about their concerns.
- Read/observe how they act.
- Attend public meetings and hearings.
- Follow press coverage and develop positive relationships with the media.
- Develop and maintain working relationships with legislative/political staff and officials to ensure implementation of the agency vision and mission.
- Assist staff in understanding how the agency agenda fits into the context of other public policy issues.
- Create opportunities for staff to participate in understanding, developing, and implementing public policy.
- Create opportunities for external stakeholders to participate in the development of public policy.

Following is one sheriff’s description of developing public policy and public partnerships for a county jail using some of the strategies just listed:

In 2005, I attended the 89th National Sheriffs’ Institute (NSI)—sponsored by the NIC and the National Sheriffs’ Association—in Longmont.

---

A portion of this section was adapted from Katsampes (2005).
Colorado. I had previously attended the 2-week class for newly elected sheriffs required by the state of Kansas; the class had provided a basic overview of the responsibilities and requirements of the sheriff’s job.

When I enrolled in the NSI administration class, I was thinking I would be learning the same information as the Kansas class, but I was looking forward to the networking opportunity. During the NSI class, I realized that the back-home issues I was faced with were not unusual and there were some ways to deal with them.

After I returned home, I worked with my management team on things I learned in the program. First we began with our mission and our vision, and we developed those that seemed to work for us. We continued to build from there, and although days seemed to drag in the beginning, as the work went on, it began to fall into place. We identified our issues and then worked on problem solving with each other.

We began a plan for an addition to our jail facility. We began a conversation with the county commissioners to test the waters. Our programs director met with NIC consultants at a conference and began inquiries for assistance. NIC came and began a jail study for a reentry program.

We contacted one of the county commissioners and relayed what we were trying to do with our reentry program. Our commissioners seemed impressed with our plan and forethought. We then contacted about 20 to 25 stakeholders with community organizations for a scheduled meeting and gave a little information about the plan. Everyone came or sent someone to give input into our jail reentry program. On the final day we invited the media, and on the next day it hit the media. We received positive comments concerning the staff’s efforts. I continue to attend civic functions, and I continue to receive positive comments.

I think back to the days in Longmont, when I was not sure these ideas would work when I got back home. But now I look forward to the next challenge and to working with the stakeholders’ help. I feel they will join us to solve problems and achieve our goals.

—Kenneth McGovern, Sheriff
Douglas County, Kansas

Establishing Positive Media Relationships
One goal of the sheriff is to build a long-term, professional relationship with the media. The sheriff should develop media policies and protocols that assure that all agency staff are aware of who should respond to what issues, what information may be released, and the agency’s philosophy of openness to the media. Media representatives value straightforward, timely, and reliable information. The sheriff should develop an agencywide expectation that openness and truthfulness are the norm.

In addition to responding to requests for information about an event or incident, the sheriff should develop a media plan with a variety of proactive approaches, including the following:

- The distribution of educational materials that provide background and factual information (not necessarily for immediate use).
- Regular press releases. Policies should be developed to determine when press releases should be used, what subjects they should cover, and who should authorize their release.
- Press conferences. Press conferences are useful in helping attract coverage of topics the sheriff is interested in sharing with the public and provide a venue for getting many journalists’ questions about an issue answered at one time.
- Regular visits to editorial boards (print and broadcast media).

Monitoring the media for stories that affect the jail is important to keep the agency up-to-date on media needs and trends. Jail staff members...
should be assigned (or a clipping agency contracted) to read and clip stories that directly affect the jail and to record items of general correctional interest. This information should be shared widely throughout the organization.

---

**Review Checklist: Providing Effective Leadership and Support for the Jail**

- Is your vision clear and compelling and do you use it to enhance commitment?
- Do your jail policies and procedures support the mission and goals?
- Have you developed an executive team, and is the jail administrator an equal member of the group?
- Do you have a strategy for managing the jail budget that includes development by the jail administrator and feedback from the jail staff?
- Do you have a strategy that increases the competency of your jail staff and that influences the staff culture?
- Do you have a role as a leader within the local community? If so, what form(s) does that leadership role take?
- Can you identify the public interest groups and stakeholders in your community who have an interest in and influence with the jail?
- Do you have a plan for dealing with the media as it affects the jail and jail-related issues?
The jail clearly carries the greatest risk of liability of all the functions in the sheriff’s office. The sheriff should be familiar with the legal requirements for operating a jail and the standards that are applicable to his/her jail.

Jail Liability

Prior to the 1960s, the public and courts largely ignored conditions and practices in jails. The courts adopted a “hands-off” policy toward inmate complaints and lawsuits that challenged institutional conditions and practices. This policy was based on the belief that corrections administrators knew best how to control inmates and should be deferred to concerning jail operations and management.

During the 1960s and 1970s, there was a significant movement in the United States to recognize and increase the civil rights of many groups of people. In that climate, prisoners’ rights became a more important issue. Federal courts began to recognize prisoner lawsuits challenging conditions of confinement as legitimate legal claims.

The legal basis for the intervention of the federal court in jail matters is Title 42, Section 1983 of the Federal Civil Rights Act of 1871. The law provides that “Any person acting under the color of law who deprives anyone of a right secured by the Constitution or laws of the United States shall be liable to the injured party.” Sheriffs can be sued under Section 1983 because they are operating under the “color of law.”

The courts recognized that inmates—although restricted for purposes of safety, order, security, control, and/or rehabilitation—do not lose their constitutional rights. To address inmate rights, the courts began to hear the petitions of inmates who claimed to have been subjected to physical abuse, inhumane conditions, corporal punishment, or other constitutional deprivations.

During the 1970s and 1980s, there were several significant court decisions addressing the rights of inmates. These court decisions were mainly based on the 1st, 6th, 8th, and 14th amendments to the United States Constitution. Cases touched on almost every area of jail operations, including staffing; access to courts, counsel, mail, telephone, reading materials and libraries; religious practice; personal, professional, and media visits; medical care; recreation and exercise; food services; classification, disciplinary segregation, and due process; living conditions; and the use of force.

As a result of this unprecedented judicial intervention, longstanding problems were broadly revealed and confronted. There is now a body of
clearly established law, with associated liability, that addresses nearly every aspect of jail operations and the conditions of inmate confinement. The courts continue to review and refine legal requirements as inmate rights cases are adjudicated.

The sheriff has certain “affirmative duties” regarding the safety and well-being of the community and inmates in his/her custody. Deliberate indifference to the discharge of these duties is typically the basis of liability when conditions and/or practices are successfully challenged in court. These duties include:

- Protecting the community from harm.
- Protecting the incarcerated from harm.
- Providing “due care” to protect the incarcerated from conditions that could result in harm, such as:
  - Medical conditions.
  - Mental health conditions.
  - Self-harming behaviors.
  - Inadequate confinement, security, or supervision.
  - Environmental hazards.

The sheriff has a duty to protect the community from harm by preventing escapes and properly supervising inmates when they are outside the secure perimeter of the jail. The sheriff also has a duty to protect the incarcerated from harm resulting from institutional or staff violence. This includes taking steps to properly classify and house inmates; maintain appropriate levels of supervision; and provide a safe, contraband-free environment. Beyond the duty to meet the basic needs of inmates and protect them from harm, the sheriff has a duty to exercise “due care” to address conditions in the jail that could potentially result in harm to the inmates.

### Jail Standards

The escalating number of court cases alleging unconstitutional jail conditions and practices has pointed to the need for a more standardized, uniform, and predictable way of addressing jail issues. In response, many states and professional organizations have developed comprehensive jail standards. By providing jail administrators with clear guidelines concerning jail operations and the treatment of inmates, these standards may decrease the likelihood of court intervention in jails.

Standards typically outline the requirements for both the construction and operation of local jails. Compliance with standards demonstrates a sheriff’s commitment to professionalism and can significantly reduce the local government’s exposure to liability.

The American Correctional Association (ACA)’s Standards for Adult Local Detention Facilities are perhaps the most widely recognized professional standards. Many states and other professional organizations have modeled their standards after those developed by ACA. Most states administer standards programs that include inspections, compliance monitoring, and sanctions for noncompliance. To facilitate compliance, some state programs offer technical or funding assistance. Some professional organizations, such as ACA, maintain an accreditation program as a means of recognizing jails that comply with and implement their standards.

---

1 Estelle v. Gamble, 429 U.S. 97 (1976). The “deliberate indifference” test is applied in areas other than just medical care, including safety and other general living conditions. It has effectively been expanded to mean “deliberate indifference to the basic human needs” of the inmate.
Chapter 4. Liability and Standards

The sheriff should keep up with the latest information about the standards applicable to his/her jail and be aware of the status of the jail’s compliance with those standards. Sheriffs should also stay informed about issues, trends, and legislation that may have an impact on existing standards or create new standards affecting the jail. If the state has a standards and inspection program, the sheriff should get to know the inspection personnel and take advantage of resources they might have available to assist the jail’s compliance with standards. When deficiencies are identified, the sheriff must develop and implement plans for corrective action to bring the jail into compliance with the standards.

---

**Review Checklist: Liability and Standards**

- Do the conditions and practices in your facility meet current legal requirements?
- Is there a history of litigation in any particular area of the jail (e.g., issues regarding medical care, the use of force, or suicide)?
- Have you developed and implemented a comprehensive risk management plan to eliminate or reduce hazards in the jail?
- Do you have a means of keeping up with issues, trends, case law, and “best practice”?
- Is the jail in compliance with applicable jail standards?
- Does the jail have a designated legal counsel?
- Is the jail adequately insured?
- Do you keep comprehensive documentation covering all areas of jail operations?

---

For example, a major provision of the Prison Rape Elimination Act (PREA), a federal law passed in 2003, provides for the development of standards for the detection, prevention, reduction, and punishment of prison rape. Although the law refers to prisons, it applies to all federal, state, and local prisons, jails, police lockups, private facilities, and community settings such as residential facilities. PREA seeks to ensure that jails and other correctional settings protect inmates from sexual assault, sexual harassment, “consensual” sex with employees, and inmate-inmate sexual assault.
Characteristics of Facilities That Support Effective Jail Operations

An adequate facility is essential to effective jail operations. Features and characteristics of facilities that support safe, secure, and efficient operations include the following (Kimme, 1998):

- Adequate capacity with flexible housing arrangements that allow for proper classification of inmates and management of peaks in population levels.

- The availability of appropriate types of housing (i.e., single-occupancy cells, multiple-occupancy cells, dormitories) for the types of inmates held.

- Clear visibility into housing areas from fixed posts that facilitate constant, rather than intermittent, surveillance or supervision of inmates. Officers should have a clear line of sight into housing-unit day areas and cell fronts.

- Adequate living and working environment (lighting, temperature, air quality, sound levels, cleanliness, plumbing, etc.).

- Adequate space for intake, support services (including medical, food, laundry, and maintenance), inmate programs (including counseling, education, visitation, library, and exercise), administration, and storage.

- An efficient layout of rooms and spaces that support staff and accommodate the flow of activities and services.

- A clean and well-maintained space with appropriate fixtures, finishes, furnishings, and equipment.

- Space that is in compliance with life safety codes, health codes, workplace safety standards, and jail standards.

Capacity and Jail Crowding

Many jails across the country are experiencing crowding. The most common definition of crowding is when the jail population consistently exceeds design, or rated, capacity. However, symptoms of crowding may be apparent much earlier—once the jail reaches approximately 80 percent of rated capacity. At that level, properly housing and managing the diverse jail population begins to become much more difficult because compromises in the jail’s classification system occur. Compromising the jail’s classification capabilities is likely to lead to increases in violence, tension, and the availability of contraband. Basic functions (security, maintenance, sanitation, programs, recreation, etc.) begin to break down when they are stretched to their limit for extended periods of time due to crowding. These conditions increase the jail’s liability exposure and jeopardize the safety and well-being of both inmates and staff.

Ultimately, jail crowding is a community issue that requires an external response. The sheriff and jail administrator must make key decision-makers aware of the issue and work closely with
them to develop and implement strategies to manage the jail population. Rated capacities may be established for the jail by a state inspection program or other regulatory agency. If not, the sheriff should work with local officials to establish capacity limits for the jail and to keep the jail within these limits. Both internal and external population management strategies should be developed to deal with bedspace demands that exceed available capacity. Knowing the characteristics of the inmate population is key to population management because it enables the sheriff to identify target groups for whom alternatives may be appropriate.

**Environmental Conditions, Sanitation, and Maintenance**

The quality of the jail environment not only affects the health and well-being of those who occupy and work in the facility, but also influences their behavior. Poor conditions often lead to low morale of both inmates and staff, increased inmate health care costs, more disciplinary problems, higher levels of staff absenteeism and turnover, and an overall negative atmosphere. Attention to light and noise levels, temperature, air quality, plumbing, and sanitation can improve the overall quality of the jail environment as both a residential setting and worksite.

Unsanitary living and working conditions not only make for an unhealthy environment, but also communicate a lack of concern about the quality of the jail environment. The message conveyed is that sloppy work will be tolerated. Sheriffs are advised to make a clean jail a high priority. After getting an outside assessment of the current level of sanitation and correcting any identified deficiencies, the sheriff should develop a comprehensive sanitation plan for the facility and provide the resources necessary for its implementation. The sheriff’s office should then monitor the level of sanitation on an ongoing basis through a system of inspections.

Due to constant and hard use, jail facilities and equipment age almost 4 years operationally for every chronological year they are in service. Sheriffs should develop an effective preventive maintenance program for the jail and gain support from the funding authority by communicating the benefits of such a program.

Preventive maintenance will:

- Maximize the useful life of all building systems in the jail.
- Help the jail operate at peak efficiency.
- Prevent breakdowns of critical building systems.
- Maintain a safe and healthy environment for staff and inmates.
- Avoid costly repairs resulting from neglect or deferral of maintenance.

The sheriff should work with the jail administrator and funding authority to plan and implement a program of inspection, testing, servicing, repair, and/or replacement of building systems and components to achieve these goals. The availability of qualified and trained maintenance staff is an important consideration when considering the staffing needs of the jail. Inmate labor may also play a significant role in maintaining adequate levels of sanitation in the jail.
Review Checklist: Jail Physical Plant

☐ Does the population of your jail regularly exceed its design, or rated, capacity?

☐ Are there compromises in classification due to lack of bedspace for certain types of inmates?

☐ Can your jail maintain adequate separation of the various categories of inmates that must be housed separately?

☐ Is there agreement among key decisionmakers on the capacity of the jail?

☐ Does crowding in your jail affect sentencing decisions by the courts or decisions to detain by arresting authorities?

☐ Do key decisionmakers work collaboratively to keep the jail population within agreed-upon limits?

☐ Does your county have a long-range plan that identifies and addresses future detention needs for the community?

☐ Does the community perceive the jail to be a decent and safe environment for staff to work, inmates to live, and visitors to conduct business?

☐ Is the jail kept clean and in good repair?

☐ Does your jail have written sanitation and preventive maintenance plans?

☐ Is there a system of internal inspections to monitor the level of sanitation and maintenance in the jail on an ongoing basis?
Adequate Jail Staffing

Adequate staffing is essential to effectively managed, safe, and secure jails. Jails with staffing deficits are more vulnerable to litigation, compromise community safety, and place both inmates and staff at higher risk of harm. Facilities in this situation also have a more difficult time providing programs and services to their inmates.

Adequate staffing means more than having the right number of staff members to run a detention or correctional facility. It also means placing well-trained staff into positions that are appropriately matched to their skills. Appropriate placement ensures that the staff can provide effective supervision and oversee the day-to-day operations of the facility.

Following are factors influencing the staffing needs of jails:

- **Population characteristics.** The number and type of inmates in a jail are significant factors. The security risks presented by inmates, their behavior while in custody, and any special needs (medical, mental health, etc.) all determine the level of supervision and staff involvement required. Inmates’ age, gender, and length of stay have implications for staffing as well.

- **Jail mission.** The jail’s operational philosophy is generally reflected in its mission statement. The mission expresses not only the facility’s legal authority and responsibilities, but also community values and beliefs. The emphasis placed on community values, along with the jurisdiction’s legal responsibilities, affects the level and type of programs and services offered in the facility.

- **Functions and activities.** Sufficient staff must be available to perform essential security functions in the jail, provide basic services to the resident population, and oversee the various programs and activities that are part of the daily routine.

- **Physical layout of the jail.** The physical layout of the jail affects where staff will be stationed, the number of staff required to supervise each area, and the number of staff needed to effect movement of inmates to services.

- **Method of inmate supervision.** Effective supervision requires that staff stationed in close proximity to housing areas regularly interact with inmates.

- **Standards and court decisions.** Standards and court decisions influence staffing requirements by establishing minimum levels of service or specifying particular operational practices and activities. Many state and professional standards address staffing directly.

Understanding these factors early in the process of planning new jails can lead to better, more efficient design decisions. In existing jails, careful analysis may open the door to other solutions that result in a better use of staff resources.
A staffing analysis is a process used to determine staffing needs in detention settings. It includes consideration of the factors listed above along with the identification of posts, coverage requirements, and staff availability (Liebert and Miller, 2001). The process results in a staffing plan and report that provide recommended staffing levels and estimated costs. Sheriffs are advised to find out whether the jail has had a recent staffing analysis and, if not, to have an analysis completed. The jail staffing plan should be updated at least annually and when any major changes occur in the primary factors that affect staffing.

Recruitment, Selection, and Retention

The turnover rate for jail staff across the country increased during the past decade. At the same time, the pool of potential new hires has dwindled. The cost of staff turnover is tremendous. Therefore, it is imperative that sheriffs develop practical strategies to recruit the best possible applicants, to select staff who are a good fit for the agency, and then to retain these staff.

Recruitment, selection, and retention are intertwined. Sheriffs who select and retain the right staff will find that their need to recruit will lessen. Recruiting the right staff improves selection and retention considerably.

Recruitment

The goal of the recruitment process is to locate and attract a diverse pool of qualified candidates. To increase the effectiveness of the recruiting process, a recruiting plan that includes the following elements may be helpful:

- **Recruiting committee** to assist and advise the jail administrator in the development of the recruitment plan.
- **Recruiting materials** such as brochures, posters, recruitment videos, and Internet Web sites. Obtaining assistance from marketing or public relations specialists within the jurisdiction will ensure that a consistent, effective message is conveyed through the various types of media.

- **Recruiting team.** Recruiting activities may be assigned to existing staff. Recruiters should reflect the desired diversity of the organization and be selected for their enthusiasm, job knowledge, professionalism, advocacy skills, public speaking skills, and public relations skills. They should be knowledgeable about personnel matters, the agency’s personnel needs, the selection process, training requirements, compensation and benefit plans, and career opportunities.

- **Recruiting strategies.** Effective recruiting strategies vary according to the types of positions being filled, the available labor pool, and a variety of other factors unique to each jurisdiction. The most effective plans use multiple strategies to develop the largest possible pool of qualified candidates.

There are a number of ways to attract media attention to the jail’s recruiting efforts at little or no cost. Examples include press conferences, feature stories, talk/news shows, public service announcements, and public appearances. Paid advertising is often a popular and effective means of recruiting. Content, timing, and placement are key ingredients to generating a large response through paid advertising venues. Some of the more traditional approaches include classified newspaper ads, television and radio ads, and brochures and posters placed at strategic locations in the community. Special events provide excellent opportunities to recruit. Some examples include job fairs, open houses, college career days, or local fairs or festivals.

Selection

The purpose of screening during the selection process is to assess an applicant’s suitability for
working in a jail environment and to determine whether the applicant’s skill sets match the requirements of the position being filled. Screening should serve to funnel applicants using job-relevant and legally defensible screening, interviewing, and assessment methods and tools. Screening out unqualified and unsuitable candidates early in the selection process allows more time and attention to be focused on the most qualified candidates. Assessment tools should be based on actual job requirements and administered in a consistent manner by trained individuals.

Many states have established minimum qualifications for jail officers. Sheriffs should be aware of minimum qualifications established by the state or jurisdiction and periodically review jail officer job descriptions to see that they are consistent with these requirements.

Screening and selection processes vary from one jurisdiction to another, but generally include some combination of the following elements:

- Written testing.
- Oral interviews.
- Background investigations.
- Physical testing.
- Selection.
- Psychological evaluations.
- Medical examinations.

Prospective jail staff should be subject to more than criminal-history checks. Complete background investigations—such as those conducted for law enforcement officers—should be conducted on every prospective employee.

**Retention**

Retention of quality employees is critical to effective jail operations. Turnover is tremendously costly to the organization in terms of lost productivity, employee replacement expenses, lost expertise, lower employee morale, and diminished quality of services.

To retain quality employees, sheriffs may need to develop a formal retention plan. The following strategies have been found to be effective:

- Recruiting people who are a good fit with the organization.
- Creating a positive work environment.
- Developing effective orientation, performance management, and coaching processes.
- Providing innovative compensation and benefit packages.
- Establishing a recognition and rewards program.
- Providing training and educational opportunities that improve job skills and provide career development.
- Establishing a mentoring program.
- Providing career growth opportunities.
- Providing an adequate, safe work environment.
- Conducting exit interviews to find out why employees leave.

A retention plan may involve a combination of these strategies. The success of the jail’s retention plan can be measured using the following indicators:

- Reduced turnover rates.
- Reduced absenteeism.
- Improved employee morale.
- Reduced numbers of disciplinary actions.
- Increased productivity.
Review Checklist: Adequate Staffing, Recruitment, Selection, and Retention

- Does your jail have a written staffing plan that is updated regularly?
- Are current staffing levels sufficient to provide full coverage of all posts, actively supervise inmates, and cover all essential jail functions? Are staffing levels sufficient to ensure inmate and staff safety and compliance with standards?
- Are both male and female staff available in the facility when both male and female inmates are housed?
- Are there written job descriptions for all positions?
- Is the jail able to recruit and retain qualified staff?
- Is the budget sufficient to address staffing needs?

Staff Training and Supervision

A good staff training and development plan is critical to effective jail operations. In fact, it may possibly yield more benefits to the organization than any other function. Effective staff training can improve consistency in operations, promote staff confidence and professionalism, improve morale, and reduce workplace stress, operational problems, and liability. Staff training contributes to effective operations by helping to ensure that staff:

- Understand and adhere to policies and procedures.
- Know what to do while on duty and how to do it.
- Know how to operate complex jail systems and equipment.

Staff training is not optional. It is the duty of the sheriff and jail administrator to properly train staff. To win a case, plaintiffs may need only to show a causal link between a constitutional violation and a reasonable assumption that it could have been prevented through training.

The goal of training is to change staff behavior to improve job performance. Although training needs for new employees are different from those for existing employees, the goal remains the same. With new employees, the focus of training is on building entry-level knowledge and skills in the core tasks the officer performs in the course of duty. With existing employees, the focus is on addressing deficiencies and performance issues identified through an individualized performance analysis. The jail’s training program must address the training needs of both groups to be of maximum benefit.

Following are recommended steps for implementing a jail training program:

- **Write a job description** for the training coordinator.
- **Designate a training coordinator.** In small agencies, this duty may be added to an existing position. Larger agencies may be able to justify filling the position on a full-time basis.
- **Provide training to the training coordinator.** The training should focus on developing coordination skills. The training coordinator, as the title implies, organizes the training and sees that it is delivered but may not necessarily do a lot of hands-on training.
- **Develop policies and procedures** for the training program.
- **Develop an annual training plan** that includes:
Training goals for the current year.

A summary of previous years’ needs and problems.

A list of topics to be addressed in the current year.

A proposed master schedule.

A total training budget.

A plan for evaluating the impact of training.

Implement the annual training plan.

Evaluate the results of the training provided.

Implement the annual training plan.

Evaluate the results of the training provided.

The annual training plan should include basic training for new employees as well as inservice training for existing staff. It should address all job classifications in the facility. The sheriff can support the provision of training for jail staff by:

- Designating a training coordinator.
- Establishing a line item for training in the jail budget and including adequate funding in the jail’s budget request.
- Assuring adequate access to training space and equipment.
- Approving overtime and/or schedule changes to allow staff to attend training as necessary.

It is incumbent upon the jail administration to provide active, ongoing supervision of staff to ensure that the knowledge and skills developed in training are used in the jail and to ensure that staff are following the jail’s policies and procedures. The supervisory duties of the jail administration are often scrutinized in litigation against the jail. In defending against such challenges, the sheriff and jail administrator must be able to demonstrate that staff were performing duties in accordance with the training they received and that practices were consistent with policies and procedures. The combination of training and ongoing supervision also helps jail staff achieve competency and maintain it over time.

Review Checklist: Staff Training and Supervision

- Does your jail have a designated training coordinator?
- Are there adequate training staff, facilities, equipment, and materials?
- Is there a specific budget allocation for training?
- Does your jail have a formal, written staff training plan that is updated annually?
- Is your jail in compliance with preservice and inservice training requirements for all staff?
- Is all training provided and received thoroughly documented?
- Is there a formal, written system for assessing staff performance (performance appraisals)?
- Is there a supervisor or lead officer who is accountable and responsible for all staff and their actions on each shift?
**Policies, Procedures, and Post Orders**

The sheriff has a duty to provide direction to the staff about how the jail is to be operated. Accordingly, jails should have a written policies and procedures manual developed specifically for the facility and consistent with the jail’s mission and goals. The manual should be comprehensive, addressing all aspects of jail operations. It should conform to current case law, professional practices, statutes, state standards, and the operational capabilities of the organization and should reflect the sheriff’s own philosophy. Staff should receive training in policies and procedures, and copies of the manual should be readily available to staff for use as a reference. The policies and procedures manual should be reviewed and updated at least annually and whenever major operational changes are made.

Post orders detailing the responsibilities and tasks for each post and position included in the jail staffing plan should also be prepared and implemented in the same manner as operational policies and procedures. The policies and procedures manual provides staff direction for what is to be done, why it is to be done, and how it is to be done. Post orders detail what specific tasks are to be done, when they are to be done, and who will do them.

Written policies and procedures offer a number of benefits for the jail and its operation. They serve to:

- Provide clear direction to staff on operations.
- Communicate the organization’s mission and values and the sheriff’s philosophy to staff.
- Promote consistency, efficiency, and professionalism by standardizing how staff carry out their duties.
- Provide the basis for on-the-job staff training.
- Provide protection for the jurisdiction against liability when individual acts can be shown to be outside what is prescribed in the policies and procedures.
- Facilitate compliance with standards and other legal requirements.

The sheriff can help the jail administrator develop and implement policies and procedures by:

- Clearly communicating his/her values and philosophy so they may be reflected in the written directives.
- Supporting requests for resources needed for the development and implementation of the policies and procedures and helping to secure a legal review of the directives by the county counsel.
- Supporting efforts to monitor compliance and keep the policies and procedures current through ongoing monitoring and annual review.
- Facilitating review of the policies and procedures by the jurisdiction’s legal counsel.
Chapter 6. Critical Aspects of Jail Operations

Review Checklist: Policies, Procedures, and Post Orders

❑ Does your jail have a written policies and procedures manual developed specifically for your facility? Is the manual up to date?

❑ Is the policies and procedures manual comprehensive, covering all aspects of your jail’s operation?

❑ Is the manual reviewed and updated at least annually?

❑ Have the policies and procedures been reviewed by your jail’s legal counsel?

❑ Have staff been trained in the policies and procedures?

❑ Is there a process in place to verify that policies and procedures are being followed on all shifts?

❑ Does your jail have written post orders for key posts and positions within the facility?

❑ Are staff trained in the post orders for the posts to which they are assigned?

❑ Are post orders reviewed and updated as applicable policies and procedures, schedules, or other aspects of your jail’s operations are changed?

Jail Security

The primary goals of jail security are to prevent escapes and institutional violence and to maintain order within the facility. Security in jails is established through a combination of appropriate staffing, adequate facilities, and well-defined operational procedures.

A jail’s security requirements are determined by its mission and the types of inmates housed in the facility. The security capabilities of jails are defined by such factors as internal design and layout, perimeter security features, facility capacity, construction method and materials, type of security equipment, staffing pattern, and operations. Effective security depends on a good match between the jail’s security capabilities and the custody level of the inmate population.

The basic elements of effective jail security include:

■ Perimeter security. Effective perimeter security prevents inmates from escaping the secure area of the jail and prohibits unauthorized access by the general public. The security perimeter is the barrier between the secure area of the jail and the outside world.

The barrier must be constructed of materials that cannot be easily breached and must be maintained in good repair and working condition. To prevent unauthorized access, the jail should have a facility access policy that governs entry into the facility.

■ Monitoring and communication. There should be a means to monitor the overall security of the jail. This includes ongoing monitoring of audio and video electronic surveillance systems, life safety and security systems, electrical and mechanical building systems, and general movement within the facility from a central control post.

Communication between members of the jail staff is also vital to security. Jail communications systems typically include internal telephones or intercoms connecting each jail post and a control center post, intercoms or call boxes strategically located throughout the facility, portable radios carried by individual staff, and personal alarm devices.

■ Inmate well-being checks and counts. Jail staff must be able to account for and assure the well-being of inmates at all times. This is accomplished through a system of inmate
well-being checks and counts. The presence of staff in inmate-occupied areas is the most effective means of assuring the well-being of inmates. Good practice dictates that all inmates in the general population be viewed by staff in person at least every 30 minutes on an irregular schedule. Persons who are violent, mentally ill, intoxicated, or have other special problems warranting closer supervision require more frequent checks. The jail should also have a system to physically count inmates to verify that all inmates in custody are present or otherwise accounted for. Counts should occur on a regular, routine basis and when there is some indication that inmates may be missing.

- **Searches and contraband control.** Searches in jails are operational strategies used to control contraband and detect conditions that adversely affect the security and well-being of both staff and inmates. Jail policies and procedures should detail criteria and methods for searches of inmates and their personal property, other persons having access to the jail, vehicles, and the facility.

- **Control of equipment and supplies.** Jail staff must be able at all times to account for and control access to keys, weapons, tools, equipment, and supplies used in the jail. Failure to do so can potentially provide inmates access to materials that can facilitate their escape or result in harm to themselves, staff, or the public.

- **Use of force and restraints.** To maintain security and order in the jail, it is sometimes necessary to use force, security equipment, and/or restraints to control an inmate or a group of inmates. The use of force and restraints as security measures must be balanced against the jail’s obligation to safeguard the individual rights of inmates.

- **Inmate movement and transportation.** Inmate movement includes movement of inmates internally from one area of the jail to another to access services, participate in programs, and receive visitors. It also includes the external transport of inmates (generally by agency vehicle) outside the security perimeter for a court appearance, transfer to another facility, or appointments in the community. The jail should establish procedures to respond to the increased security risk presented by inmates during either type of movement.

- **Security inspections.** Inspections are an integral part of the jail’s security program. They provide a systematic method to evaluate the condition of security features of the physical plant, the proper function of security devices, and adherence to appropriate security practices. The process should provide for regular inspection of all areas of the facility, including inmate housing, program areas, support services areas, intake and release areas, administrative areas, the public lobby, parking areas, the exterior grounds, the security perimeter, and mechanical services and shop areas.

If there are questions or concerns about jail security, the sheriff should seek a comprehensive security audit of the jail. Such an audit will uncover deficiencies in facilities, systems, equipment, or practices that may adversely affect security in the jail. Action plans should then be developed to resolve deficiencies.
Chapter 6. Critical Aspects of Jail Operations

Review Checklist: Jail Security

❑ Does the jail have a physically secure perimeter separating inmate-occupied areas from the outside world?
❑ Are all security devices and features operable and in good repair?
❑ Are all monitoring and communications systems adequate and in good working order?
❑ Do the locations of staff posts allow staff to observe and manage inmate behavior effectively?
❑ Does the jail have a system for physically counting inmates to verify that all inmates are in custody or otherwise accounted for?
❑ Are staff required to conduct and document frequent well-being checks of inmates?
❑ Does the jail have written policies and procedures governing searches of inmates, property, visitors, the facility, and vehicles?
❑ Does the jail have adequate provisions for the control of contraband?
❑ Does the jail have adequate provisions for the proper storage and controlled use of keys, weapons, tools, equipment, supplies, and hazardous materials?
❑ Does the jail have adequate written policies and procedures governing the use of force and restraints?
❑ Are security inspections conducted on a regular basis? Is there a supervisory review of inspection findings and prompt corrective action taken to address issues?

Jail Safety

The sheriff has a responsibility to provide a safe jail setting for staff, inmates, and others who visit or use the facility. The primary goal of safety in the jail is to protect inmates, staff, and the public from harm. This goal is achieved through the identification and management of risks to the safety and well-being of jail occupants and the community. These risks include not only those unique to the jail environment, such as inmate assaults or violence, but also risks inherent in any residential and work setting (e.g., accidents, disease, natural disaster).

The sheriff should establish a safety program that provides comprehensive protection against potential hazards and specific protection against known hazards. Elements of an effective safety program include the following:

 ■ Management commitment and employee involvement.
 ■ Assigned responsibility and authority.
 ■ Worksite analysis.
 ■ Hazard prevention and control.
 ■ Written policies and procedures.
 ■ Safety and health training.
 ■ Internal inspections by trained staff and independent inspections by external auditors.
 ■ Recordkeeping and evaluation.

Support by the sheriff and jail administrator provides the motivating force and resources necessary for organizing and managing safety activities within the jail. Executive officials must regard the safety of inmates, staff, and visitors to the facility as a fundamental value of the organization.
The first step in improving jail safety is a comprehensive safety audit to identify safety hazards and develop strategies to eliminate, minimize, or control them. A safety program should be developed for the jail and a safety officer designated to oversee the program. The sheriff should provide the leadership and resources necessary for the safety program to be effective.

**Review Checklist: Jail Safety**

- Has a safety officer for the jail been designated and trained?
- Has a recent worksite analysis been conducted to identify potential safety hazards?
- Is the jail in compliance with applicable safety standards (jail standards, fire codes, building codes, Occupational Safety and Health Administration regulations, etc.)?
- Does the jail have written policies and procedures to govern the safety program?
- Is the jail’s safety record satisfactory?
- Does the jail have a system for routine inspections conducted by designated jail staff to identify potential hazards?
- Do staff receive adequate training on safety issues and control measures?
- Are inmates made aware of their responsibilities with regard to safety?

**Emergency Preparedness**

Despite efforts to maintain a safe and secure environment, emergencies can arise. An emergency is any significant disruption of normal facility routine or order caused by a riot, an escape, a fire, a natural disaster, or some other serious incident. Emergency situations can result in serious harm to people and property.

Emergency preparedness in jails:

- Reduces the likelihood of emergency situations.
- Contains emergencies (when and if they occur) before they escalate into major incidents or disasters.
- Mitigates the consequences or the amount of harm resulting from emergencies.

A comprehensive emergency response plan is the foundation of emergency preparedness. An effective plan should include the following components:

- **Risk assessment and control** to identify the types of emergencies that could occur in the jail and to implement appropriate control measures.
- **Organization and coordination of emergency response** to provide a clear process for decisionmaking, assignment of staff, and deployment of resources during an emergency.
- **Emergency plans** to direct the actions of jail staff in containing and controlling emergencies, and to provide for the protection of staff, inmates, and visitors during emergencies.
- **Equipment and resources** to effectively respond to emergency situations and carry out emergency response plans.
- **Training and drills** to train staff in the execution of emergency plans and in the use of emergency equipment and devices.
- **Recovery** to provide for the return to routine operations once an emergency is over.
Reporting to document critical events and actions associated with the emergency.

Review to provide a systematic means of ascertaining all the pertinent facts about the emergency situation.

The sheriff should seek an assessment if there are questions about the jail’s emergency preparedness. Such an assessment will identify deficiencies or weaknesses in the jail’s emergency response capabilities. Action plans should then be developed to resolve deficiencies.

---

Review Checklist: Emergency Preparedness

- Does the jail have a comprehensive, written emergency response plan? The plan should include the following:
  - Assessment and control strategies.
  - An organizational structure for emergency response.
  - Interagency coordination.
  - Written emergency plans for a range of predefined emergencies.
  - Evacuation plans, including arrangements for designated evacuation sites.
  - Appropriate equipment and resources.
  - Training and drills.
  - Recovery plans.
  - Reporting and documentation.
  - Critical incident review.

- Does the jail have the necessary emergency systems, equipment, and resources in place and operational? These should include:
  - Communications.
  - Alarms.
  - Fire detection and suppression.
  - Emergency generators.
  - Emergency keys.
  - Protective equipment.
  - Floor plans and related information.
Inmate Behavior Management

Management of inmate behavior is a key component of safety, security, and the overall effective operation of the jail. If inmate behavior is effectively managed, jails can be a good workplace for staff, a safe and clean detention environment for inmates, and a valuable and highly regarded service to the community. The sheriff and jail administrator should view managing inmate behavior as the primary function of the jail.

Historically, jails have focused on physical containment as a means of maintaining security. Staff safety was believed to depend on maintaining physical barriers between staff and inmates. Accordingly, staff-inmate interaction was minimized. Unfortunately, this approach resulted in many of the problems commonly associated with jails, such as assaults, suicides, vandalism, contraband, unsanitary conditions, and inmate misconduct.

These problems are minimized when staff continuously and actively supervise inmates, set clear expectations for behavior, and hold inmates accountable for their behavior. In addition to maintaining a secure physical environment, staff management of inmate behavior is essential to achieving safety and security in the jail.

An integrated approach to inmate behavior management includes six essential elements:

- Assessing the risks and needs of each inmate at various points during his/her incarceration.
- Assigning inmates to housing.
- Meeting inmates’ basic needs.
- Defining and conveying expectations for inmate behavior.
- Actively supervising inmates.
- Keeping inmates occupied with productive activities.

Assessing Risks and Needs

The risk and needs assessment, also called inmate classification, lays the foundation for inmate behavior management. Information gathered in this assessment is used to classify the inmate and develop a strategy for managing his/her behavior while in the facility. An effective classification system is objective, straightforward, and easily understood and implemented by staff. It is based on a consistent set of criteria and a systematic method of applying the criteria to classification decisions.

Inmate risks and needs must be assessed at various points during incarceration. During booking and intake screening, arrestees are first screened to determine their fitness for confinement. Once accepted into custody, the inmate is further screened to determine how he/she should be managed in the booking room. The booking and intake screening process identifies and responds to critical issues related to the information gathered.

The next assessment takes place when the decision is made to admit the inmate into the jail and assign him/her to housing. This is an indepth assessment that provides the basis for decisions about how to best manage the inmate’s behavior while in jail, the inmate’s housing assignment, the level of supervision, and access to services and programs.

The inmate’s risk and needs should be reassessed at regularly scheduled intervals and when new information is received. This reassessment ensures that staff can respond to changing circumstances affecting inmates.

Inmate classification should be a formal, documented process that is reliable, valid, and equitable. The sheriff should work with the jail administrator to establish detailed classification policies and procedures and assign trained staff to conduct the process. Adequate supervision of
classification staff is important to ensure that they implement the system according to policies and procedures.

Assigning Inmates to Housing
Assigning inmates to appropriate housing based on a well-thought-out plan is a second essential element of effective inmate behavior management. Information gathered during the risk and needs assessment serves as the basis for assignment of housing. Each jail should have a housing plan that describes how bedspace within the jail is to be used. Housing plans are based on the following factors:

- The characteristics of existing bedspace, including the number of housing units, the number of beds within each unit, the configuration of the units, and the level of physical security in each unit.
- The level of supervision in each housing unit.
- The overall breakdown of risk and needs of the inmate population, including compatibility factors and security threat status.
- The number of inmates within each classification.

In addition to describing how space will be used for the general population, the housing plan must also designate space for separating inmates in disciplinary detention, protective custody, and other special designations. If the jail is not able to meet the housing requirements of the population served, it may include provisions for housing certain types of inmates in other jurisdictions.

A carefully developed housing plan helps ensure that:

- Inmates are placed where they can be best managed.
- Groups of inmates that must be separated by law are kept separate.

Inmates that must be separated for safety and security reasons are kept separate.

Meeting Inmates’ Basic Needs
A third element of effective inmate behavior management is meeting inmates’ basic needs, which are no different than those of all human beings. In the jail, these include physical needs such as adequate food, medical care, hygiene, and physical exercise. Providing a safe, clean, and healthy environment also is vitally important. As with all people, inmates have basic safety needs; they wish to be protected from illness or injuries resulting from an assault or unsafe environmental conditions. The social needs of inmates include maintaining contact with family and friends and positive interaction with others in the jail environment. The jail should provide mail, telephone, and visiting services as well as opportunities for positive interaction with other inmates and staff.

If the jail does not meet the inmates’ basic needs, it cannot be a safe environment. Inmates who are angry form gangs and can pose a threat to safety. Staff who work in an environment where their own basic need for safety is not met often resort to counterproductive ways to meet this need. They may resign, avoid interacting with inmates, carry weapons, or physically abuse inmates as a way to establish their authority. Such practices exacerbate the already-dangerous conditions in the jail—conditions that can quickly become deadly for staff and inmates.

Defining and Conveying Expectations for Inmate Behavior
The staff’s expectations for inmate behavior and the way these expectations are conveyed have a powerful influence on how inmates act. Historically, jail staff have expected inmates to be uncooperative, destructive, aggressive, violent, and manipulative. Staff have communicated these expectations by avoiding interaction with
inmates, adopting a negative demeanor when they do interact with inmates, and accepting negative inmate behavior as normal. It is important to set high, but attainable, expectations for inmates and then ensure that the inmates have the means to comply. Once acceptable inmate behavior is defined, the jail must convey its expectations to the inmates.

Jails convey their expectations for inmate behavior both directly and indirectly. Most jails develop a handbook for inmates that not only gives information about jail schedules, procedures, and services, but also includes rules for the inmates. These rules include a description of sanctions if rules are broken and a description of the jail’s disciplinary process. Staff can indirectly demonstrate that they expect inmates to behave well by interacting extensively with them, treating them with respect and consideration, and ensuring that inmate living areas are maintained in good order.

The jail environment should be such that it is in the inmate’s self-interest to meet behavior expectations. Housing units for inmates who behave well and do not pose high-level security risks should allow for easy access to basic necessities, services, and programs. Staff should promote positive inmate behavior with incentives ranging from a simple “thank you” to an inmate who has done a good job cleaning his cell to special rewards for accomplishing extra tasks within the housing unit.

Conversely, there should be disincentives for negative inmate behavior. Such disincentives include removal from the housing area, lockdown within the housing unit, lockdown within a disciplinary unit, loss of the right to participate in programs, and loss of commissary privileges. The jail should have a formal, clearly articulated disciplinary process so that both staff and inmates are aware of the rules and the consequences of rule violations.

**Supervising Inmates**

The fifth element of effective inmate behavior management is supervising inmates to hold them individually accountable for their behavior. To do this, staff must interact with inmates. Such interaction has a clear purpose: to encourage positive inmate behavior and compliance with the jail’s rules.

In their interactions with inmates, jail staff must exercise the skills of a good supervisor. These skills include effective decisionmaking and problem solving and the ability to communicate, listen, provide direction, and motivate. Jail staff must treat all inmates fairly. Staff must be able to detect and solve small problems before they become crises. They should be able to devise strategies to ensure that the inmate housing unit is safe, clean, quiet, and orderly and then determine the effectiveness of these strategies through inspection and documentation. It is essential that each staff member serve as a positive role model for inmate behavior. In addition, staff must demonstrate a thorough knowledge of jail policies and use their supervisory skills to establish their authority in the housing unit. All staff should be respectful in their interaction with inmates and should expect the same in return.

The effectiveness of staff supervision is affected by several factors:

- The physical plant.
- Staffing levels.
- Staff placement within the facility.
- Staff behavior.
- The level of administrative commitment to staff interaction.

Each of these factors can be either fixed or variable. For example, if the physical plant is a barrier to supervision of inmates, and the physical plant cannot be changed, the jail can still increase supervision of inmates by changing the
Chapter 6. Critical Aspects of Jail Operations

expectations for the level and type of staff interaction with inmates. If the number of staff cannot be increased for political or budgetary reasons, rethinking the placement of staff can enable a jail to more actively supervise its inmates. The sheriff should work with the jail administrator to assess the extent to which the factors listed above impede staff interaction and then develop strategies to decrease barriers created by one or more of these variables.

Although following these recommendations for inmate supervision may represent a major change in current jail operations, significant improvements in inmate behavior will result. The staff will benefit too; they will begin to feel safer at work and more positive about their jobs. As they hone their supervisory skills, many staff members will gain a greater sense of professional fulfillment.

Keeping Inmates Productively Occupied

A final element of effective inmate behavior management is keeping inmates occupied with productive activities. This may include assigning inmates to work or providing a range of structured and unstructured activities for inmates both inside and outside the housing unit.

Productive activities provide a powerful incentive for inmates to maintain positive behavior. When they have access to meaningful activities and continued access is based on the appropriateness of their behavior within the jail, inmates are strongly motivated to behave according to expectations. Providing access to activities gives staff a tool with which to reward positive behavior and enforce consequences for negative behavior, thereby, enhancing their ability to supervise and manage inmate behavior. If the jail does not provide inmates with productive activities, they will find other ways to fill their time, often through activities that are destructive and contrary to the jail’s mission of providing a safe and secure environment.

Sheriffs should assess the extent to which inmate behavior is being effectively managed in the jail. To place control of the jail firmly in the staff’s hands, sheriffs should develop and implement a comprehensive plan that incorporates the six elements of effective inmate behavior management.

Review Checklist: Inmate Behavior Management

- Does the jail have a procedure for systematically screening inmates on admission to determine security and safety risks and to identify the need for special services or supervision?
- Are intake staff provided training in the screening process and the use of screening instruments?
- Does the jail have a formal, written classification process to determine housing assignment, supervision requirements, and program eligibility?
- Is there a housing plan that provides for housing assignment and management of inmates based upon behavior, compatibility, and legal mandates or standards?
- Are inmates provided a formal orientation to the jail upon admission?
- Does the jail have an inmate handbook that outlines rules, expectations for inmate behavior, and consequences for rule violations?
- Are there enough staff to provide adequate inmate supervision on all shifts?

Continued on next page
Review Checklist: Inmate Behavior Management (continued)

- Are the staff positioned within the jail so they can see, hear, and promptly respond to what is happening in inmate-occupied areas?
- Are staff trained in effective communication and supervisory skills?
- Is the level of interaction of staff with inmates sufficient for staff to effectively supervise inmates and manage their behavior?
- Is a system of incentives and sanctions used to guide inmate behavior?
- Are inmates kept productively engaged in activities throughout the day to avoid extended periods of idleness?

Inmate Discipline and Grievance

Fundamental fairness in the treatment of inmates is an essential aspect of effective jail operations. It rests primarily in the inmate discipline and grievance processes.

Discipline is the ongoing correction of undesirable behavior, which includes coaching inmates to improve marginal behavior, positively reinforcing their positive behavior, and administering appropriate consequences for negative behavior. It is critical that the disciplinary process be fair from both a legal and operational standpoint. Inmates must be fully informed of the rules and the sanctions for violating the rules. The rules should be upheld consistently over time and from inmate to inmate.

Disciplinary policies and procedures must be carefully crafted to meet basic due process requirements and ensure fairness. A clearly defined disciplinary process can be a positive tool in regulating inmate behavior and can reduce the jail’s exposure to potential liability for violations of due process.

Fundamental fairness involves providing inmates with the opportunity to air and resolve grievances. The jail’s grievance process plays an important role in establishing a fair and just environment and, therefore, is an essential part of the jail’s overall behavior management scheme. A viable grievance system benefits both inmates and the jail in the following ways:

- Relieves tension by providing inmates with a way to resolve real or perceived problems arising from their incarceration.
- Provides a formal means of conveying information between inmates and the jail administration.
- Highlights potential weaknesses in facilities or operations.
- Provides an effective way for the jail administrator to spot trends and assess overall operational performance.
- Provides a means for the administrator to assess the jail climate.
- Provides an alternative to the filing of a lawsuit to resolve issues.

The jail’s grievance system should be governed by written policies and procedures that define the kinds of issues appropriately addressed through this process and provide specific guidance in the filing, investigation, response, and documentation of grievances. If the process has credibility, inmates will use it to resolve complaints rather than act out in inappropriate ways. By providing an administrative remedy, the grievance process may also reduce the level
of litigation and potential liability for the jail. Indeed, the federal Prison Litigation Reform Act of 1995 requires inmates to exhaust administrative remedies through the jail’s grievance system before litigation can proceed in federal court.

**Review Checklist: Inmate Discipline and Grievance**

- Does your jail have a formal, written inmate disciplinary process?
- Are inmates made aware of the jail rules, expectations, and possible sanctions for violations?
- Are rules enforced consistently and fairly?
- Does your jail have a formal, written inmate grievance process?
- Are inmates made aware of the grievance process and procedures for filing a grievance?

## Special Management

The ability to temporarily isolate inmates who are a threat to security, who are a danger to themselves or others, or who have other special needs is essential to the safe and secure operation of the jail. The jail’s behavior management plan should include provisions for the separate housing and management of inmates who require temporary segregation from the general population. By definition, these are inmates who require special attention, including closer supervision and access to services more specialized than can be provided in general population housing. Deciding to place inmates in special management and determining the conditions under which they are housed involve important considerations in the area of due process.

Special management generally includes three categories:

- **Disciplinary detention.** Disciplinary detention is used to segregate inmates either detained for or found guilty of violations of the inmate rules and regulations. Inmates who are accused of committing serious rule violations, who are disruptive, or who are a threat to the safety and security of the jail may also be temporarily segregated, pending a hearing.

- **Administrative segregation.** Administrative segregation is used for inmates who, for a variety of reasons other than discipline, must be separated from the general population. Those segregated may include:
  - Inmates who, through their threats or actions, present a clear danger to other inmates, staff, themselves, or the security of the jail.
  - Inmates who have communicable diseases or need to be isolated for other medical reasons.
  - Inmates who cannot function appropriately and safely in the general population due to mental health problems or developmental disabilities.

- **Protective custody.** Protective custody is used for inmates requesting or requiring protection from inmates in the general population. It may include inmates who are resented by the other inmates due to the nature of their criminal charges, codefendants who may testify against other inmates, or inmates who are unable to adjust to living with others and may be the target of assaults.

The jail may house all three categories of inmates in the same area. However, the privileges of
inmates in segregation may be quite different from those of inmates in disciplinary detention. Because placement in administrative segregation or protective custody is not intended to be punitive, programs and services provided to inmates in these categories should approximate (to the extent possible) those available to the general population. On the other hand, the programs and services provided to inmates in disciplinary detention, while still fulfilling basic personal needs, may be much more limited.

Inmates cannot be placed in special management arbitrarily. Due to the loss of liberty and other restrictions inherent in segregation, inmates must be afforded basic “due process” when placement in special management is being considered. With this in mind, the sheriff and jail administrator should establish written policies and procedures for making such placement decisions and should ensure that these decisions are implemented through the jail’s classification or disciplinary systems.

The safe and effective operation of special management housing areas within the jail includes the following key elements:

- Effective behavior-based classification systems.
- Written policies and procedures.
- Appropriate staffing.
- Effective inmate supervision.
- Thorough documentation.
- Appropriate management, monitoring, and oversight.

Attention to these key elements will enhance the overall safety and security of the jail and ensure the fair treatment of inmates segregated from the general population.

**Review Checklist: Special Management**

- Does the jail have written policies and procedures governing the management of inmates in administrative segregation, protective custody, and disciplinary detention?
- Does the jail have a separate housing area for special management inmates?
- Do the conditions in the special management housing area approximate those of the general population housing areas?
- Have staff received training in the management and supervision of special management inmates?

**Inmate Services**

Jails must provide certain basic services to maintain the health and well-being of those in custody. These services provide the essentials of daily living such as food, health care, clean clothing and linens, personal hygiene resources, exercise, and communication with the outside world.

**Food Services**

The goal of food services should be the provision of nutritionally adequate meals each day that are reasonable in cost and produced and served under sanitary conditions. The importance of food service in the overall operation of the jail should not be underestimated. Whereas food service itself is an ongoing function essential to inmates’ health and well-being, the quality of food service has a significant impact on the
jail climate. Food takes on an exaggerated importance in the daily lives of inmates.

**Medical and Mental Health Care Services**
Adequate health care services are essential to the well-being of inmates and should be viewed as a basic human right and as the responsibility of the jail. Health care services not only serve the individual’s needs, but also prevent the spread of disease within the facility. Every jail should have a written health care plan that provides for the identification, treatment, and/or referral of both emergency and nonemergency medical and mental health problems.

**Inmate Clothing and Linens**
The jail is responsible for providing adequate clothing and linens for inmates. Clothing provided to inmates should be in good repair, clean, and properly sized. Inmates assigned to work details should be provided with protective clothing and gear appropriate to the assignment. Inmates not released at intake must also be provided with appropriate bedding and linen. A typical issue includes a mattress (constructed of fire-retardant material that is easily sanitized), sheets, one or more blankets appropriate to the season, a pillow, a towel, and a washcloth.

**Laundry Services**
To maintain adequate levels of sanitation and prevent the spread of disease, the jail must provide laundry services. Clothing, linens, and bedding of all inmates must be laundered when tendered at inmate release and before being reissued. Clothing and linens must also be laundered on a regular schedule.

**Inmate Personal Hygiene and Grooming**
The jail has a responsibility to provide inmates with the resources necessary to maintain personal hygiene. Proper hygiene not only promotes the health and well-being of the individual, but also helps prevent the spread of disease to other inmates and staff. Additionally, good grooming enhances morale and the attitudes of both staff and inmates. A personal hygiene program should provide for the daily care of the skin, hair, and teeth. Equipment and supplies should be made available on a scheduled basis for personal grooming and hygiene.

**Inmate Visits**
The jail must provide inmates with the opportunity to maintain contact with persons outside the jail through personal and professional visits. Professional visits with attorneys, bondsmen, investigators, probation and parole officers, examiners, the clergy, and the news media are generally considered a right. Therefore, restrictions on these types of visits can be imposed only with substantial justification. Although inmates should be allowed personal visits with family and friends within a reasonable jail schedule, jail officials generally have more latitude in placing restrictions on personal visits for security and disciplinary reasons.

**Inmate Mail and Telephone Services**
The jail also provides mail and telephone services to enable inmates to maintain contact with persons in the community. Jail administrators must distinguish between what is and is not considered privileged communication. Whether by telephone or mail, communication between inmates and their attorneys, the courts, probation officers, the media, and certain public officials is privileged. Communication between inmates and their family and friends is considered nonprivileged. Inmates generally have a right to confidentiality in privileged communications, but other communications can be constitutionally monitored as long as the inmate is given notice that such monitoring may take place.
**Inmate Exercise and Recreation**

Active indoor and outdoor exercise is important to the physical and mental well-being of inmates and to facility security. Outdoor exercise is especially beneficial because of exposure to fresh air and sunlight and because it provides a temporary (supervised) release from confinement within the building. In addition to being beneficial to inmate health, the availability of outdoor and indoor exercise may result in fewer operational problems such as inmate-on-inmate assaults, inmate assaults on staff, damage to jail property, and lawsuits. The provision of indoor and outdoor exercise in jails is generally required by case law and standards.

Most jails also provide for passive recreational activities to reduce boredom and idleness. These may be unstructured dayroom activities such as table games, reading, radio, and television or organized activities such as arts and crafts, educational classes, movies, or other entertainment. Reading materials available to inmates are generally provided through library services at the jail.

**Inmate Commissary Services**

Although not generally obligated to do so, many jails provide commissary services. The commissary gives inmates the opportunity to purchase various items or amenities not otherwise provided by the jail. These items help to break the monotony of the jail diet and routine and provide access to a few “extras” that contribute to a more normalized environment. A commissary may also reduce jail costs, in that it provides a means for inmates to purchase items that the jail might otherwise be obligated to provide for free. Items that are typically available through the commissary include personal hygiene products, over-the-counter medications, stationery, postage stamps, playing cards, and snacks.

**Inmate Programs**

Beyond basic services, many jails elect to provide a range of self-improvement programs and other opportunities to help inmates make constructive use of their time. These programs help inmates with problems and assist in their reintegration to the community.

Inmate programs are important to the overall management of jails and to the community as well as to inmates. Programs keep inmates busy, establish expectations, provide goals, and help inmates recognize their potential for growth. Programs enable inmates to learn useful skills, continue their education, overcome substance abuse problems, improve their mental health, receive spiritual guidance, improve parenting skills, work on anger and stress management, and ultimately learn to change antisocial and criminal behavior.

Programs also reduce vandalism, violence, and other misbehavior. The community benefits by having the offender leave the jail setting better prepared to live and work as a contributing member of society.

**Education and Personal Development**

Education and personal development programs focus on developing basic knowledge and skills in a variety of areas, including:

- Adult education (tutoring and testing for the General Equivalency Diploma).
- Literacy.
- English as a second language.
- Computer literacy.
- Health and nutrition.
- Employment (job seeking, career counseling, interviewing, etc.).
Chapter 6. Critical Aspects of Jail Operations

- Parenting.
- Domestic violence.
- Life skills.
- Behavioral change (self esteem, anger management, decisionmaking, stress management, etc.).
- Educational requirements for juveniles.

Counseling
With the help of volunteer organizations and professional service providers, jails may offer counseling programs intended to help inmates deal with emotional and behavioral problems. Programs of this type may include group and/or individual counseling in the following areas:

- Mental health.
- Chemical dependency.
- Family relationships.
- Spirituality.

Religious and Spiritual Programs
Inmates must be afforded the basic right to worship and given access to religious materials, unless doing so constitutes a justified threat to the security and order of the facility. Effective religious programs in jails often go beyond providing for these basic rights to address many of the spiritual, social, and personal needs of inmates. Religious/spiritual programming often includes:

- Group worship.
- Religious instruction.
- Distribution of religious literature.
- Individual and group spiritual counseling.
- Social help to inmates and their families.

Work Programs
Work programs provide a productive outlet for inmates and give them the opportunity to learn new job skills and establish positive work habits. Compensation for some jobs can provide restitution to victims or help support the inmate’s family. Inmate labor can also reduce staffing needs for specific support services and may be a source of revenue for the jail. Jail work programs may include:

- Work release.
- Inmate worker programs.
- Public works.
- Jail industry programs.9

Identifying Community Resources
A range of services and programs responsive to the interests and needs of inmates is critical to effective jail operations. Attention to this area can lead to improved behavior and a more relaxed environment for both inmates and staff. Survey the community to identify resources that could be used to enhance jail services and programs. Develop cooperative agreements with other local government agencies and community service organizations to provide their services to inmates. These services could include health and mental health care, employment assistance, and substance abuse programs.

---

9 Jail industries are not just for large jurisdictions. There are many opportunities for small jails to develop and operate jail industry programs as well. Miller, Sexton, and Jacobsen (2002) have developed a workbook that includes an introduction to jail industries, key development principles, components of the development process, and a step-by-step guide to planning and implementation.
**Review Checklist: Inmate Programs**

- Are essential services (medical and mental health care, food, laundry, personal hygiene, etc.) available to meet inmates' basic needs?
- Are visitation, mail, and telephone services available to provide inmates the opportunity to maintain contact with family and friends?
- Is a range of programs (Alcoholics Anonymous, education, substance abuse, job readiness, etc.) available to assist inmates in self-improvement and successful reintegration into the community?
- Are efforts (exercise, library materials, passive table games, work programs, etc.) made to reduce idleness and keep inmates productively occupied?
- Are efforts made to involve community service agencies in developing and providing programs for inmates in your jail?
- Does your jail provide suitable space, equipment, and supplies for services and programs?

---

**Intake and Release**

The intake and release processes are essential to the safe operation of the jail. If not handled properly, these processes pose a greater risk of liability than any other aspect of jail operations. Intake and release functions clearly distinguish jails from prisons and other correctional settings. The jail intake unit is a round-the-clock operation that handles an extremely diverse population. Arrestees presented for jail intake may be under the influence of drugs or alcohol, be mentally ill, or have infectious diseases. Their behavior may run the gamut from violent to subdued and withdrawn. A majority are pretrial admissions with charges ranging from minor misdemeanors to serious felonies. Although some arrestees end up being detained in jail for lengthy periods of time, most are released within a day or two.

These factors present unique management challenges, some of which (e.g., disruptive behavior, suicide risk, infectious disease, substance withdrawal) may require the use of force and restraints or placement into special holding. The intake process also involves a number of legal issues, such as access to the courts, access to health care, and strip searches. Additionally, the process of preparing arrestees for placement in the general population involves several steps, including identification, securing property, classification, and medical screening.

Although the release process is typically less intense, it is no less important. The release process includes positive identification of the inmate, a check for holds or detainers, victim notification, medical referrals for inmates with special needs or conditions, and the return of property.

The jail should have clearly defined policies and procedures to guide the intake process. The key elements of the intake process, presented in the sequence they generally occur, are as follows:

- **Receiving inmates** into the intake area.
- **Verification of arrest and identification** of the arrestee to ensure a legal commitment.
- **A preliminary medical assessment** to determine fitness to confine.
- **An initial search** for weapons and other contraband missed by arresting officers during their field search.
- **A medical screening** to identify infectious diseases, mental illness, and other nonemergent medical conditions or injuries so that
these may be treated and those who cannot be placed in the general population can be properly housed and supervised.

- **Inventory and disposition of inmate property.**

- **Inmate booking** to document the identity of the arrestee, personal data, and other essential information regarding pending legal matters.

- **A photograph and fingerprint** of the arrestee to establish and confirm his/her identity.

- **A check for warrants** or wanted notices from other jurisdictions in order to hold the arrestee on other charges, should they exist.

- **Telephone calls** for arrestees who need to contact family or friends to notify them of their whereabouts and to attorneys or bail bondsmen to aid in securing release.

- **A pretrial release screening** to determine eligibility for pretrial release.

- **A followup search and dress-out** of inmates unable to secure release at intake.

- **Classification and orientation** for inmates unable to secure release at intake.

Effective supervision and management of inmates at intake is critical. This period of incarceration presents the greatest potential for injury or harm to staff and arrestees because of the instability or uncertainty of the circumstances in which arrestees find themselves. It is essential for jail officers to use the intake process as an opportunity to “set the tone” for the inmate’s stay in the facility. The expectations established during the process, the ways in which these expectations are conveyed, and the level of professionalism displayed by officers can have a positive impact on arrestees’ behavior during intake and throughout their stay in the facility.

The release process may occur shortly after the intake process, if the arrestee secures pretrial release, or much later, at the end of a sentence or after disposition of the arrestee’s case. The process generally includes:

- **Verification of discharge approval** and identification of the inmate to be discharged.

- **A file check** to ensure that there are no active holds or detainers.

- **Return of the inmate’s property and money.**

- **Medical discharge planning and referrals,** if necessary.

- **Victim notification of release,** where required.

- **A final administrative check of the inmate’s file** to ensure that all requirements of sentencing have been met and any administrative charges or levies have been satisfied.

- **Arrangements for transportation** for the inmate, if necessary.

- **Completion of the release document or checklist.**

A well-planned release process provides for the safe, legal return of inmates into the community. Discharge planning, referral to community resources, and victim notification are becoming increasingly important elements of the release process. Attention to these issues as well as the more routine aspects of the release process will enhance the safety of the community, improve prospects for the inmate, and reduce the jail’s exposure to liability.
Review Checklist: Intake and Release

❑ Does the jail complete all essential steps in the intake process? The jail's intake process should include the following:
  ■ Securing of the arresting officer's weapons.
  ■ An initial pat or frisk search prior to entering the intake area.
  ■ Identification of the arresting officer.
  ■ Verification of arrest or legal commitment.
  ■ Assessment for medical clearance.
  ■ Search of the arrestee.
  ■ Property removal and inventory.
  ■ Medical/suicide screening.
  ■ Completion of booking forms.
  ■ Identification (photographs and fingerprints).
  ■ Warrant checks.
  ■ Arrestee telephone calls to family, bondsman, or attorneys.
  ■ A pretrial release screening.
  ■ A shower, dress-out, and issue.
  ■ Initial classification.
  ■ Orientation.

❑ Does the jail complete all essential steps in the release process? The jail's release process should include the following:
  ■ Verification of discharge documents.
  ■ Verification of the identity of the inmate being released.
  ■ A check for holds or detainers.
  ■ The return of property and money.
  ■ Referrals (medical, mental health, etc.).
  ■ Victim notification.
  ■ A review of release requirements.
  ■ Transportation arrangements.
  ■ The completion of release documents.

❑ Does the jail have policies and procedures governing the intake and release function?

❑ Are the basic tools such as rubber gloves, restraint equipment, and body-fluid protective equipment available in the intake area, and are staff trained in their use?

❑ Are staff trained in the supervision and management of intoxicated inmates?

❑ Are staff trained in universal precautions?

❑ Does the jail's policy prohibit the blanket strip search of all arrestees and allow their strip search only based upon reasonable suspicion that the arrestee is concealing contraband?
So Much To Learn . . . Where Do I Begin?

This chapter presents a list of steps new sheriffs can take to get to know their jail, understand how it operates, and identify any potential problem areas. Although the chapter is specifically oriented toward the newly elected sheriff, many of the concepts may also be helpful to veteran sheriffs seeking to improve the effectiveness of jail operations.

Sheriffs have many things to learn during their first few months in office. Some issues—like the budget, contracts, pending litigation, pending personnel actions, and facility problems—may require the sheriff’s immediate attention. In this initial period, it is imperative to sort out right away what is important to know and who can provide this information. To identify the major issues, sheriffs should:

- Meet with the jail administrator to determine what he/she views as major issues and priorities. The sheriff should use this meeting to clarify the jail administrator’s role and the scope of his/her authority within the organization to make decisions relating to the jail.
- Talk to staff on a regular basis.
- Identify the jail’s budget analyst in the jurisdiction’s budget office. Set up a meeting to review the current budget and discuss any outstanding budget issues requiring immediate attention. Note the key dates for budget preparation, submission, and reporting.
- Review all contracts or interagency agreements to determine what services are offered, their cost, and their current status. Get contact information for each contract or agreement.
- Identify the jail’s human resources representative. Schedule a meeting to go over collective bargaining agreements and other pending personnel issues.
- Review the current staffing plan, current staffing levels, and staff turnover. Review the current organizational structure and reporting relationships to see whether they are consistent with the sheriff’s philosophy and management approach.
- Request an audit of the inmate financial and commissary accounts.
- Review emergency procedures and assess the jail’s current level of readiness to respond to emergencies.
- Identify the jail’s legal representative. Set up a meeting to discuss current issues and any pending litigation, court orders, or consent decrees. Find out whether there is a history of litigation in any particular areas.
- Review the most recent inspection reports of outside agencies such as the fire marshal, health department, or jail standards inspection agency. Identify any outstanding deficiencies and determine what steps have been taken to correct them. Deficiencies affecting the lives, health, and safety of inmates and staff should receive priority attention.
- Identify key staff responsible for the maintenance and upkeep of the jail. Schedule a meeting with them and with the jail administrator...
to discuss the current condition of the facility and to identify any facility-related problems requiring immediate attention.

- Review documentation of past internal inspections (security, safety, sanitation, maintenance, etc.). Determine whether appropriate corrective action has been taken to resolve any deficiencies identified in these inspections.

- Review documentation of past incidents (e.g., suicides, suicide attempts, fires, use of force, disturbances) to identify potential problem areas and trends.

- Review data on jail population characteristics and trends to get a good understanding of who is in jail and how the jail is used by the local justice system.

- Determine the availability and current status of written directives (policies and procedures, post orders, etc.) and other types of documentation. Determine whether these written directives have been kept current and reviewed by the jail’s legal counsel. Also determine whether staff have received training on these written directives and are following them.

- Identify key criminal justice officials whose decisions have an impact on the use of the jail. Set up a meeting to discuss their issues and concerns.

- Identify key media representatives and get their contact information. Review their record of past coverage of the jail. Meet with them as necessary to set a positive tone for the future.

The focus of this initial period should be to identify and compile a list of issues to be addressed and to gather information necessary to evaluate options. Once the issues are identified, the sheriff, working with the jail administrator, can develop a plan of action to address these issues.

There is no ideal way to begin addressing jail issues during the first few months in office. Each newly elected sheriff brings strengths and a certain level of experience to the office. The key to a good start is to have a plan for quickly getting “up to speed” and focused on the important issues. Once this is done, the sheriff can begin to make his/her own imprint on the organization by defining and communicating his/her vision and putting the pieces in place to implement that vision.


National Institute of Corrections
Advisory Board

Collene Thompson Campbell
San Juan Capistrano, CA

Norman A. Carlson
Chisago City, MN

Michael S. Carona
Sheriff, Orange County
Santa Ana, CA

Jack Cowley
Alpha for Prison and Reentry
Tulsa, OK

J. Robert Flores
Administrator
Office of Juvenile Justice and Delinquency Prevention
U.S. Department of Justice
Washington, DC

Stanley Glanz
Sheriff, Tulsa County
Tulsa, OK

Wade F. Horn, Ph.D.
Assistant Secretary for Children and Families
U.S. Department of Health and Human Services
Washington, DC

Byron Johnson, Ph.D.
Department of Sociology and Anthropology
Baylor University
Waco, TX

Harley G. Lappin
Director
Federal Bureau of Prisons
U.S. Department of Justice
Washington, DC

Colonel David M. Parrish
Hillsborough County Sheriff’s Office
Tampa, FL

Judge Sheryl A. Ramstad
Minnesota Tax Court
St. Paul, MN

Edward F. Reilly, Jr.
Chairman
U.S. Parole Commission
Chevy Chase, MD

Judge Barbara J. Rothstein
Director
Federal Judicial Center
Washington, DC

Regina B. Schofield
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
Washington, DC

Reginald A. Wilkinson, Ed.D.
Director
Ohio Department of Rehabilitation and Correction
Columbus, OH

B. Diane Williams
President
The Safer Foundation
Chicago, IL
Attached is a letter encouraging Judge Cordell to remain as the Chair of the Blue Ribbon Commission on Improving Custody Operations.

Please acknowledge the receipt of this letter and its delivery to Judge Cordell.

Thank you,
Nov. 11, 2015

Dear Judge Cordell,

Last evening I attended, as a listener, the Public Forum for Friends & Families of Inmates, hosted by the SCC Human Relations Commission. I assume that the testimonies offered there will be shared with the Blue Ribbon Commission as well as the Board of Supervisors. I was discouraged, however, to recognize just two Blue Ribbon Commissioners in attendance.

By my count, nearly three dozen people, mostly family members, offered the most horrifying testimony of guard beatings, taunting, reprisals, and apparent lack of accountability and oversight. Testimonies included accounts of week-long withholding of medical attention, inmates being kept naked for days on end, and inmates declining psychotropic medication for fear of its use being used against them during their trial. Families recounted years-long waits for trial while their loved ones endured isolation, in housing conditions that, outside of jail, would be instantly deemed a public health hazard, and barred from occupancy.

The parade of family members and inmate advocates I heard last evening was heart-breaking. But more than this, it absolutely convinced me that there is no issue – whether prior consultant recommendations, or Grand Jury reports that have been acknowledged then ignored, or secret, potentially duplicative investigatory consultants – that can trump the unjustified and inhumane suffering happening in our jails.

Although I applied to be seated on the Blue Ribbon Commission, I have no “skin in the game,” either as a former inmate or having an incarcerated family member. Nonetheless I truly believe that this commission is our county’s best chance for forcing real, comprehensive, positive, and lasting change in how our jails are operated. Nothing should compromise or derail this opportunity.

Therefore I urge you, Your Honor, to please lay aside whatever personal or professional concerns you may have that relate to this commission, its purpose, the Board, or other investigations, and rather to apply your unique, critical, and essential leadership to get on with the critical business to which all of your fellow commissioners have committed themselves.

As important as their commitments are, and your personal concerns may be, I believe that they are superseded by this moment where we can truly address the desperation I witnessed last evening. If not us, who? If not now, when?

With respect,
Equal access needed re footage from police cameras, including footage from body worn cameras

http://www.paloaltoonline.com/print/story/2015/01/16/letters-to-the-editor

Shared via the Google app

Sent from my iPhone
Hi Ronda,

Very much appreciated. I will be sending a much longer article on the complex issues surrounding the use of body/police worn cameras, in the near future. For the record, I think correction officers in our jails should have body worn cameras, but only if the public has access to camera footage on an equal footing with law enforcement.

Best regards,

On Nov 12, 2015, at 10:43 AM, CustodyOpCommission <CustodyOpCommission@cob.sccgov.org> wrote:

Thank you for your correspondence. This information will be shared with members of the commission.

Rhonda
(408) 299-5067

http://www.paloaltoonline.com/print/story/2015/01/16/letters-to-the-editor

Shared via the Google app

Sent from my iPhone
Dear Judge Cordell,
I completely understand your feelings about the BOS hiring a private consultant and the secrecy surrounding this. I understand you do not want to waste your time duplicating steps that may be taken by the private consultant. And I understand what I perceive to be your anger at the insult of asking you all to do for free something that the BOS is offering to pay another to do.

But I respectfully beg you not to quit.

My son is mentally ill and has been in and out of jail a lot in the last couple of years. He has told me again and again he is afraid of the guards, he believes they will kill him. He has told me this BEFORE Michael Tyree was killed. And honestly, I never believed him. Like Michael Tyree, my son’s time in jail has been primarily because he is waiting for a bed in a treatment program. I believe this Commission is the best chance for my son and all those others who are in his same situation to get the help that is so desperately needed. Your reputation for fairness, transparency, and experience with the justice system will guide the commission in a way that I don’t believe it will be under another’s guidance.

I know there are broader problems with the jail, but it is the issue of how the mentally ill are treated throughout the County system that concerns me most. Those of us who have loved ones in the mental health system are so emotionally tapped out we have little energy left for advocacy. I truly feel this commission is our first and best chance to force change. The media is paying a lot of attention, and now is the time.

Please don’t quit. Be firm and fierce and strong and lead us forward to a more hopeful life for those who are the most powerless.

You are such an important counterweight to those on the commission who may resist actual positive change. Regardless of what the BOS does, I hope you will fight with us against the very inequities that are now still being perpetrated. I see hiring the consultant as a means of the BOS trying to protect themselves. The Commission is for protecting the inmates, and even on a larger scale, the mentally ill.

As you know from history, is not personal experience, when many voices are raised at injustice change can happen. We need your voice!

Sincerely,
Dear Commissioners,

My son is mentally ill (dual diagnosis) and has been in and out of jail a number of times in recent years. I have always been grateful for his arrests because sometimes that is the only way to get help for him. But he has been increasingly insistent that he has felt his life is in danger when he is in jail, from the guards. Up until recently, I’ve never believed him. Now I do.

This is what we experience:

1. On the eighth floor inmates are isolated for about 23 hours a day. Some days they aren’t allowed out of their rooms at all. Even mental hospitals don’t isolate the patients. I can see doing it for the 24 or so hours until an inmate is stable (meaning not actively psychotic - I know true stability takes months) on meds, but after that it is not acceptable at all.

2. There are NO services. No 12 step meetings, group counseling sessions, or visits from a Chaplin. There is nothing! Families can send books, but it is expensive and often takes at least 2 weeks for the whole process (ordering books via Amazon, having them sent to Catholic Charities, and having them delivered to the jail) and often my son hasn’t been in jail that long. So then there is NOTHING but to stew in his own fears and anxieties.

3. If a family member can afford to pay a minimum of $20 (or $25 I can’t remember now) in advance the inmate might be allowed to call home collect. It costs about $3 a minute for phone calls. Or more. Money isn’t refunded if it isn’t all used.

4. The phones weren’t working in the visiting area on the 8th floor for weeks. Although the guard who ran the elevator knew it, and mentioned it, and other guards knew it, it appeared nothing was done to repair the situation. Visitors had to yell through the glass. When I complained to John Hirokawa and this was his response (via email):

"During the weekend, Main Jail staff on the 8th floor checked all of the visitor phones. Staff asked the visitors if they could hear on their side of the room. Staff determined all phones were in working order.

After speaking with staff, inmates will lock themselves out of the visiting phone system. Staff believes you may have experienced this problem. An inmate may improperly enter the wrong personal pin number and subsequently be locked out of the phone system. The system has an auto lock after 3 attempts. However staff at times allows the visit to continue even though people have to use raise voices and talk through the window. Although this is not good practice, it is better than canceling the visit.”

At the time my son was in jail, I promise you there was NO concern when the phones weren’t working, and the staff did acknowledge they weren’t working. Nothing was said about the phones locking.
5. Usually a mentally ill inmate is in jail waiting for a bed in a treatment program. Sometimes the wait takes months. During this time they are kept totally alone with their thoughts, their anxieties, and their fears. Many of the guards are bullies and keep the inmates in a constant state of fear.
(I’ve experienced this directly, when I’ve attempted to visit my son. Some guards even enjoy bullying 68 year old women like myself. They are always polite. Always say “ma’am” when they speak to me. But they know they have all the power, and enjoy exercising it.)

When an inmate is released there is no coordination with the family or social workers. So it isn’t unusual for an inmate to be released to a program and then once out, there is no bed for them after all. My son has been released in nothing shorts and a tee shirt (since it was warm when he was arrested) and it’s very cold, and the program couldn’t take him, his social worker was unavailable and he had no place to go… so all that good gained from being sober and on his meds for whatever amount of time is immediately put in jeopardy.

OR…. if there is no program for them they are also often released in the middle of the night. Often around 2 a.m. No busses are running, no money, often not appropriate clothing for the nighttime weather, and often no place to go. They are being set up to fail.

How is any of this humane? How does this get people out of the revolving door of constant re-incarceration? And how, from a mother’s point of view, does this keep my beloved son safe?

MY CONCLUSION: An inmate would not have been murdered on the 8th floor if there weren’t hundreds of smaller incidents of abuse and neglect that led to this terrible situation. It feels the way institutional racism or slavery must feel: we have no power, nowhere to turn and no advocates who have the same or greater power over the jail overlords.

POSSIBLE SOLUTIONS:

1. The day a mentally ill person is arrested his/her social worker and a family member should be notified and given contact information for (the as yet non-existent) outside agent who will see that inmates are treated humanely. If family members have concerns we need someone to complain to. If there has been such a person I’ve never once been informed of that in the 25 years we’ve gone through these continual problems. And trust me, I’m on the phone to the jail social worker, to every single person I can find or know of. I am involved (some say too much) and I’ve never been told of any resource like this. (The jail social worker, Nan, is pretty wonderful most of the time. But I’m sure way over-worked and with little authority, I imagine.)

2. If someone has to stay in jail instead of getting into a treatment program - have programs in the jails! But the mentally ill do not need to be jailed! They need treatment!

3. Santa Clara County has NOT ONE SINGLE dual diagnosis treatment program. We need many! We need live-in programs with enough beds, and enough time, (I believe it would take a year, at least) for people who are dually diagnosed to get not just marginally stable but actually functional with a plan for what they will do when they graduate…. (I’d bet more beds in treatment programs would clear out the jails by a huge margins.)

4. But then where do they go? Have any of you dropped in unannounced to an “independent living” house? These are unbelievably horrible. Humans shouldn’t live like this. $800 a month for a shared room in a house with 12 - 14 other people often not enough food and the kitchen locked so no fixing anything for themselves. Often the food is prepared elsewhere and delivered so it isn’t even fresh/hot. Washer and dryer locked up, no supervision, drugs and alcohol everywhere. Residents have to supply their own toilet paper (and other toiletries) and people are stealing from one another, the yards are often filled with garbage, the rooms are hell holes.
5. So… There must be regulations and inspections for group homes. Places where the police come weekly - or daily - need to be shut down. There needs to be affordable living situations (in other words something their social security can cover) for the mentally ill that allow them dignity, and some independence but still has some support for medication reminders. Ideally a place that allows a person to have a small private space, where they can have a small pet perhaps - since companion animals really help people with anxiety and depression - and maybe where there is responsibility for keeping the place clean, for planning meals and cooking communally.

How about places where there is a back yard garden to provide fresh veggies and fruit for the home? I believe responsibility is very important! How can you like yourself when you live under the care of others with no “job” at all?

To sum up: SPEND MONEY ON TREATMENT PROGRAMS AND SAFE LIVING ENVIRONMENTS. There will be many less people in jail if this is done. And I bet it costs less to offer treatment than to put people in jail.

1. An in jail resource person. No isolation, in jail programs and a quick turnover because there are more treatment beds.
2. A plan that actually is followed upon release (and that includes family member input prior to release.)
3. Many more beds in treatment programs including Dual Diagnosis programs.
4. Safe secure dignified housing.

Respectfully,
Dear Blue Ribbon Commission on Santa Clara County Sheriff’s Department Reform - Original to Deputy Public Defender Gary Goodman  
for Santa Clara County Superior Court Case: 

Please receive the attached document as material for commission review.

Original to Deputy Public Defender Gary Goodman  
for Santa Clara County Superior Court Case: 

Thank You,
Good morning Gary.

Just following up briefly with you regarding yesterday's email in which you stated "I thought this was my case" in regards to [redacted].

I do not care whose case it is. The bottom line is that serious fraud has occurred throughout this case & one way or another, this must and will be addressed.

I understand that you want to do things "your way", and I have no problem with that. I cannot and will not however, be anyone who I am not.

I am incompatible with the fraudulent court records and these records are incompatible with me. It is not appropriate or ethical to expect me to lie about these things and as I made clear to Amanda Parks, I do not consent to the public defender's office lying on my behalf, which is exactly what Amanda Parks did in her "Motion to disqualify DA"

Please be advised that the philanthropic work that I am being prosecuted is an expression of love and an exercise of my religious faith which is outside the subject matter of the court & I absolutely will not surrender my faith or go against my conscience. Nor will I be threatened, harassed, or bullied or beaten into breaking the oath I made to tell the truth. Nor will I allow these officers to continue terrorizing [redacted] or anyone else in this community.

You can expect me in 89 on Nov.17th, 2015, but the court record present is an act of fraud and an ILLUSION.

If the court record is presented in court act factual, then my tangible presence must be an illusion. I strongly advise you reflect on this, and consider what this means before you acknowledge to the court that I am present.
Thank you for understanding,

Respectfully,
called our office asking for the contact information for Judge Cordell. I tried to give him the custodyopcommission@cob.sccgov.org email that Jessica provided me with but he doesn’t want to send the information he has in writing, he only wants to tell her. I told him I would pass on his name and number.

Thank you
Hello [Name of recipient]

I am sending copies of emails mostly regarding Santa Clara County deputy public defender, Amanda Parks's incompetent legal representation and her fraudulent motion to disqualify district attorney's office for your upcoming coverage on case: [Redacted].

This also includes information from other victims.

I am also copying these correspondences to Ms. Duffy, and the honorable Judge Michele McKay McCoy to better enable her followup pursuant to Canon 3(D) - which requires her to take corrective action regarding Ms. Park's Misconduct.

Since this also involves Santa Clara County sheriff detectives David Carroll and Samy Tarazi, who the public defender's office has allowed to falsify police reports, and to harass and terrorize and endanger members of the public, I am, also sending to Blue Ribbon Commission.
For more info, [click here](#)

Thank You,

"There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice ..."

- U.S. v. Jannotti, 673 F.2d 578, 614 (3d Cir. 1982)
---------- Forwarded message ----------
From: [deleted]
Date: Wed, Nov 11, 2015 at 9:37 AM
Subject: Gary Goodman
To: "Goodman, Gary" <gary.goodman@pdo.sccgov.org>, Honorable Mary Elizabeth Bullock
Cc: Barbara Cathcart <bcathcart@da.sccgov.org>, [deleted], info@whistleblower.org

Good morning Gary,

As I mentioned, I do not always handle anniversary dates very well.
Yesterday was anniversary of the day that I learned that [redacted] was found dead at Markham Plaza Apartments after Markham Plaza property management had used the FRAUD in case [redacted] to deny him accommodations pursuant to the American's with disabilities act.

It is an interesting coincidence to say the least, that assistant district attorney James Leonard was working "homicide" at the time of Robert [redacted] death & that the transaction for document: 21955252 came only a few day's later on 11/16/12.

Thank you for your understanding, & please also understand that I have nothing but respect for you and for Ms.Cathcart.

"There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice ..."

- U.S. v. Jannotti, 673 F.2d 578, 614 (3d Cir. 1982)

---------- Forwarded message ----------
From: [redacted]
Date: Tue, Jul 21, 2015 at 6:26 PM
Subject: [redacted] - RE: PDO
To: [redacted]
Cc: [redacted]

Hi [redacted] The email below was sent to Amanda Parks regarding the false police reports & asking for information on status of investigation into the false police reports.

So far, the Public Defender's office has not been responsive on this. If the Public Defender's office does not follow up in response, we will be able to show incompetent legal representation and that Amanda is in violation of rule 3-110 and 3-5000 of the California Rules of Professional Conduct. (http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct.aspx)

See below:

Rule 3-110 Failing to Act Competently:

(A) A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence.
(B) For purposes of this rule, "competence" in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service.
(C) If a member does not have sufficient learning and skill when the legal service is undertaken, the member may nonetheless perform such services competently by 1) associating with or, where appropriate, professionally consulting another lawyer reasonably believed to be competent, or 2) by acquiring sufficient learning and skill before performance is required.
Rule 3-500 Communication:

A member shall keep a client reasonably informed about significant developments relating to the employment or representation, including promptly complying with reasonable requests for information and copies of significant documents when necessary to keep the client so informed.

If she DOES follow up, then by showing the police reports to be fraudulent will prove all the court orders: "VOID" and unenforceable.

If she DOES NOT follow up, we can demonstrate that it was not my fault, but theirs because they failed to provide me with competent legal representation.

I will send the Case Law on this tonight or tomorrow.

Thanks again,

---------- Forwarded message ----------
From: [Redacted]
Date: Jul 21, 2015 10:47 AM
Subject: Status of Investigation / Penal Code § 118
To: "Amanda Parks" <amanda.parks@pdo.secgov.org>
Cc: <tyler.haskell@bos.secgov.org>, [Redacted]

Good morning Amanda.

I am emailing you to follow up on the progress and status of the public defender investigators assigned to the false police reports by Detectives Samy Tarazi and David Carroll which are in violation of California Penal Code § 118.

The report numbers are as follows:

[Redacted]

You had told me recently that an investigator would be interviewing [Redacted] and [Redacted].

Very early on in the case, I passed information over to Miguel Rodriegaz regarding these falsified police reports so that this issue would be handled by a PDO investigator but so far, I still have not been contacted by the investigator(s) who Mr. Rodriegaz passed the information to on IA complaint [Redacted] (or who was supposed to contact [Redacted]).

Is this the same investigator or someone different?

Please give me the name and contact person of investigator(s) assigned to the false police reports so that I may follow up with them on their status.

In order to receive adequate defense in case: [Redacted] This needs to be completed before the motion to disqualify District attorney is complete and before the upcoming VOP hearing.
Thank You,

On Jul 20, 2015 4:03 PM, "[Redacted]" wrote:

Dear Ms. Parks,

I am writing to you regarding the prosecution of whistleblower [Redacted] in Santa Clara Superior Court. ([Redacted])

Due to the continued interest in [Redacted] evidenced by those in the legal system in Santa Clara County, and given my understandings of what many believe is a wrongful prosecution, I went ahead and pulled up the financial transaction documents for both Supervising DA James Leonard and also Judge David Cena. There is concern now that either or both may be laundering funds (bribes and pay offs) through their home loans.

As you are the defense attorney representing [Redacted] I am forwarding the documents culled from the Grantor Grantee index to you and am formally asking you to procure the loan and reconveyance records, in pursuit of an adequate defense for [Redacted] in this unique high profile case.

The issue of home loans as a mechanism for paying off public officials is well known.

If you wouldn't mind also sending these documents on to me when you have procured them it would be most appreciated.

Thanking you in advance,

[Redacted]

[Redacted] has files to share with you on OneDrive. To view them, click the links below.

- cena, david.docx
- [Redacted].docx
- leonard, james.docx
- [Redacted].docx
Hello

My name is [redacted] and I loved your coverage on Santa Clara County about [redacted]. I have important information to share with you on Case No. [redacted].

The Public Defender’s Office is helping the D.A. (James Lenard) with fabricated allegations to frame [redacted].

[redacted] also helped to expose and made public statement of fact that Judge Arroyo marital relationship (married)

to The Publicly Defender Molly O’Neal.

[redacted] exposed Judge Arroyo On Fraud and Corruption with my daughter’s case No. [redacted], and my son Styler Harris [redacted],

Appeal now sits in Superior Court Of California,
I'm waiting for the appeals to review my case, I am waiting for the court to reverse what they had illegally done to my case and violated my civil rights.

Due to my Appellate Attorney Allison Cruz, SBN#160413, WILL NOT FILE any PETITIONs ON MY BEHALF. 100 Doyle St Santa Cruz, CA 95062 (831) 420-0874, FAX (831) 425-0515, She misrepresented my case, and was given a very short 3 days notice by letter that she’s not on my case and that I had to file a rehearing review in San Francisco CA, and I had to make 8 copies. I managed to file on time with the California Superior Court on time with the 3 days I was left with to deal with the appeals. Which I believe Judge Manuiakian’s wife, helped sabotage. I had 3 hearings with Soccarasie Maunukian, and he made over 50 transcripts disappear with my case with 115 Terraine St, San Jose, CA 95110 (408) 491-4700

Please view video links:
(Add links)

link 1: Santa Clara County Corruption Exposed 1

link 2: Santa Clara County Corruption Exposed 2

Link 3: Girl Exposes CPS 1

link 4: Girl Exposed CPS 2
Please via- EMAIL

I am concerned about the motion C Disqualify DA and I do Not believe that she is trustworthy.

Thank You For Your Time,

Warm Regards,

On Facebook: https://www.facebook.com/corruprtioninsantaclaracounty?ref_hl

CASE # , and my son’s case HO…… (I’ll e-mail the details later)
6th District Court of Appeal
is now waiting in San Francisco Court, appeal for rehearing was filed over a year ago. I had completed my case plan and had proved it in small claims court and won the case against Santa Clara, I had filed an enforcement judgment ……

i have a contempt case against the program director Sallie Dannenberg DBA New Beginnings, …Who, covered up for CPS, and I exposed her.

June 2nd,2015
191 N. 1st San Jose Ca 95113, Department 2 …3:00 pm
Case Name: v. Sallie Danenberg dba New BeginningsCase No.: 

here in the tentative ruling and moving forward to 1st CMC
on June 2nd @ 3:00 pm in dept.2 with Judge Lucas

V. S.DANENBERG DBA NEW BEGINNINGS:
Case Name: v. Sallie Danenberg dba New Beginnings Case No.: 1-15-CV-276468

Demurrer by Defendant Sallie Danenberg dba New Beginnings to Plaintiff’s Complaint

On July 13, 2012, plaintiff filed a small claims [action, Santa Clara County Superior Court case no. 1-12-SC-049657 (“Small Claims Action”),] to obtain certifications of completion for (1) 52 weeks of parenting; and (2) 52 weeks of D.V. from defendant Sallie Danenberg dba New Beginnings. (Complaint, p. 6, lines 17–27.)

On or about October 26, 2013, the court issued a judgment in the Small Claims Action in favor of for specific performance. The judgment stated:

1. Plaintiff shall make final payments and complete remaining obligations pursuant to the contract with Defendant.
2. Upon Plaintiff’s completion of #1 above, Defendant shall deliver certificate of completion to the Plaintiff.
3. The Court finds no violation of the terms of the protective order in effect on the date of Plaintiff’s alleged violation.

Plaintiff subsequently made a motion to enforce the judgment which came before the court in the Small Claims Action on July 17, 2013. The court granted plaintiff’s motion to enforce the judgment and made various findings including, but not limited to the following: “plaintiff ... has completed all of the requirements and obligations imposed on her by her contract with defendant; plaintiff was obligated to pay [defendant] only $40, but that defendant wrongfully demanded payment of $165; [plaintiff] is entitled to a Certificate of Completion of the Domestic Violence program; [defendant shall] pay to [plaintiff] $125 plus interest at ten percent (10%) per year from February 27, 2013, until paid as reimbursement for the overcharge.”

On February 4, 2015, filed the instant action purportedly seeking to hold defendant Danenberg in contempt for failing to comply with either the October 26, 2013 judgment or the July 17, 2013 court ruling in the Small Claims Action in that Danenberg has failed to provide plaintiff with certificates of completion.

On March 19, 2015, Danenberg filed the motion now before the court, a demurrer to plaintiff’s complaint.

On April 3, 2015, plaintiff filed opposition to the demurrer. On April 22, 2015, plaintiff filed “revised & correct[ed]” opposition to the demurrer.

III. Requests for Judicial Notice

In support of its demurrer, Danenberg requests judicial notice of “all pleadings filed in Santa Clara County Superior Court case no.” Danenberg attached a copy of the docket from that action to her request for judicial notice.

In opposition, plaintiff requests judicial notice of “all pleadings [filed] in” the Small Claims Action.

Both requests are defective in that they fail to comply with California Rules of Court, rule 3.1306, subdivision (c) which requires, “A party requesting judicial notice of material under Evidence Code sections 452 or 453 must provide the court and each party with a copy of the
material. If the material is part of a filed in the court in which the matter is being heard, the party must: ... (2) Make arrangements with the clerk to have the file in the courtroom at the time of the hearing.” Neither party has made any arrangements to have the respective files brought to the courtroom at the time of the hearing.

Consequently, the requests for judicial notice are DENIED.

IV. Defendant Danenberg’s demurrer to the complaint is OVERRULED.

“Collateral estoppel is a doctrine which prevents relitigation of issues previously argued and resolved in a prior proceeding. [Citation.] In order to apply this principle: (1) the issue must be identical to that decided in the prior proceeding; (2) the issue must have been actually litigated in the prior proceeding; (3) the issue must have been necessarily decided in the prior proceeding; (4) the decision must have been final and on the merits; and (5) preclusion must be sought against a person who was a party or in privity with a party to the prior proceeding. [Citation.]” (Alvarez v. May Dept. Stores Co. (2006) 143 Cal.App.4th 1223, 1233 (Alvarez).)

“In deciding whether to apply collateral estoppel, the court must balance the rights of the party to be estopped against the need for applying collateral estoppel in the particular case, in order to promote judicial economy by minimizing repetitive litigation, to prevent inconsistent judgments which undermine the integrity of the judicial system, or to protect against vexatious litigation.” (Alvarez, supra, 143 Cal.App.4th at p. 1233.)

Danenberg argues first that is collaterally estopped from asserting this action because it seeks to relitigate issues which has already asserted in another action, v. Danenberg, Santa Clara County Superior Court case no. where the court purportedly sustained plaintiff’s complaint without leave to amend. In light of the ruling above denying the request for judicial notice, the court cannot determine whether the issues in this action are identical to the prior proceeding, whether the issues have been actually litigated in the prior proceeding, whether the issues have been necessarily decided in the prior proceeding, whether the prior proceeding has been finally decided on the merits; or even whether the person against who preclusion is being sought was a party or in privity with a party to the prior proceeding.

As a second basis for demurrer, Danenberg argues that the complaint is uncertain. Although Danenberg acknowledges plaintiff’s complaint seeks an order to show cause for contempt, defendant Danenberg contends the complaint is uncertain because it does not state a cause of action. “[T]he filing of a sufficient affidavit is a jurisdictional prerequisite to a contempt proceeding.” (Koehler v. Superior Court (2010) 181 Cal. App. 4th 1153, 1169.) Code of Civil Procedure section 1211 “requires that an affidavit be presented to the judge reciting the facts constituting contempt.” (Ibid.)

“A demurrer for uncertainty will not lie where the ambiguous facts alleged are presumptively within the knowledge of the demurring party. [Citations.] A special demurrer should not be sustained if the allegations are sufficiently clear to apprise the defendant of the issues that must be met, even if the allegations of the complaint may not be as clear and as detailed as might be desired. [Citations.] . . . [a] demurrer for uncertainty will not lie as to even uncertain and ambiguous allegations, if such allegations refer to immaterial matters. In such event, they will be treated as surplusage and disregarded. [Citations.]” (Gonzales v. State of California (1977) 68 Cal.App.3d 621, 631.) “A demurrer for uncertainty is strictly construed,
even where a complaint is in some respects uncertain, because ambiguities can be clarified under modern discovery procedures.” (Khoury v. Maly’s of California, Inc. (1993) 14 Cal.App.4th 612, 616.)

It is evident that, by her complaint, plaintiff [redacted] seeks an order to show cause re contempt. Moreover, defendant Danenberg did not properly identify uncertainty as a basis for her demurrer. (See Cal. Rules of Court, rule 3.1320, subd. (a).) Defendant’s notice of demurrer identifies failure to state a cause of action as its only ground for demurrer. Accordingly, defendant Danenberg’s demurrer to plaintiff [redacted]’s complaint on the ground that the pleading does not state facts sufficient to constitute a cause of action [Code Civ. Proc., §430.10, subd. (e)] is OVERRULED.

https://www.facebook.com/courruptioninsantaclaracounty/ref_hl

On Mon, Sep 7, 2015 at 8:44 PM, [redacted] wrote:

[redacted] according to News reports, the FBI is opening an investigation / inquiry into the Sheriff’s department in relation to these three sheriff deputies [http://www.mercurynews.com/crime-courts/ci_28751297/sheriffs-office-3-correctional-officers-jail-death-arrested] charged with murder:


I think we have acquired sufficient evidence to show that the Santa Clara County Public Defender's office has suppressed information & credible reports about Sheriff Deputies like these, including Detective David Carroll and Samy Tarazi endangering members of the public.

I think if we coordinate this correctly, we can widen the scope of the US Dept. of Justice Probe.

Please call when you can.

Thanks,

[redacted]

On Jul 21, 2015 10:44 PM, [redacted] wrote:
Hello

Around 4:30 this afternoon, I spoke with Jena McLemore, Chief Investigator from the Santa Clara County Public Defender's office regarding the status of the investigation into the false police reports to by Detective's David Carroll and Samy Tarazi, each of which are in violation of California Penal Code § 118. The police report numbers for these false reports are listed here: [http://www.uglyjudge.com/santa-clara-county-california-government-conspiracy-exposed-police-falsified-reports-to-frame-whistle-blower](http://www.uglyjudge.com/santa-clara-county-california-government-conspiracy-exposed-police-falsified-reports-to-frame-whistle-blower)

I informed Ms. McLemore of that in January or February of this year, an internal affairs complaint was filed regarding the falsified police reports and that the Santa Clara County internal affairs case number is [redacted].

Each allegation to this complaint has been forwarded to the Santa Clara County Public Defender's office, which has a team of approximately 30 investigators who's responsibility is to investigate these false police reports and to scrutinize every single statement in these reports.

The false statements in these reports are so obvious and blatant that it appears that detective's Carroll and Tarazi are fully expecting and planning that the Public Defender's office WILL NOT RESPOND TO THESE FRAUDULENT POLICE REPORTS and are behaving as if the Public defender's office are giving them the GREENLIGHT TO CONTINUE to lie in these reports.

Each of these reports have been done under the supervision of Santa Clara County Sheriff Lieutenant Elbert Rivera and directed by assistant district attorney James Leonard.

Today, Ms. McLemore informed me that she cannot find any record of any investigation into these false police reports, despite the fact that it has been approximately 7 months since IA case# 2015-09 and it was made clear to Public defender Molly O'Neal and Miguel Rodriguez that each allegation to case# 2015-09 was to be copied to attorney case file to [redacted] and also forwarded to the PDO investigators so that they could follow up on this fraud, and provide me with the competent legal representation that was promised to me and that I deserve.

The Santa Clara Public Defender's office knows that each of these police reports are in violation of California Penal Code § 118, which renders these documents FRAUDULENT.

Since these documents are fraudulent, and fraud was committed in the procurement of jurisdiction, the court orders from this case are "VOID"

Fredman Brothers Furniture v. Dept. of Revenue, 109 Ill. 2d 202, 486 N.E. 2d 893(1985)

It is serious misconduct for a prosecutor such as James Leonard to partake in such fraud and to withhold exculpatory evidence like he has done in this case.
If Prosecutorial Misconduct such as this is so egregious and serious, how much more serious is it when it is endorsed and facilitated by defense attorneys?

Unfortunately, Deputy Public Defender Amanda Parks is unprepared to proceed with the motion to disqualify the Santa Clara County District Attorney's office and my upcoming VOP hearing because the investigation by the PDO investigators has still not been completed and there is no response from her on the discovery motions I have requested regarding the Whistleblower complaint, and the harassment by Santa Clara County Sheriff detective David Carroll which was (and still is) in CLEAR VIOLATION OF COUNTY BOARD POLICY 3.8.

Please assist me in following up with the Public Defender's office in correcting these improprieties so that this case can proceed and justice can be served.

Unfortunately, instead of proceeding in a manner consistent with truth, they appear more concerned with maintaining consistency to the fake court record, with no regard to the pain, harm and suffering they inflict on innocent people.

The further they proceed with their fake court record, the further they will continue to drift from reality.

Unfortunately, I need your help, and the help of others to bring them back on course, because they don't appear to understand that the record must and will be set straight.

Respectfully Submitted,

[Redacted]

P.S. These False Police Reports are Fraudulent Procurement of Jurisdiction rendering ALL court orders to case [Redacted] "VOID"

On Jul 21, 2015 10:47 AM, "[Redacted]" wrote:

Good morning Amanda.

I am emailing you to follow up on the progress and status of the public defender investigators assigned to the false police reports by Detectives Samy Tarazi and David Carroll which are in violation of California Penal Code § 118.

The report numbers are as follows:

[Redacted]
You had told me recently that an investigator would be interviewing [redacted] and [redacted].

Very early on in the case, I passed information over to Miguel Rodriguez regarding these falsified police reports so that this issue would be handled by a PDO investigator but so far, I still have not been contacted by the investigator(s) who Mr. Rodriguez passed the information to on IA complaint 2015-09 (or who was supposed to contact [redacted]).

Is this the same investigator or someone different?

Please give me the name and contact person of investigator(s) assigned to the false police reports so that I may follow up with them on their status.

In order to receive adequate defense in case: [redacted] This needs to be completed before the motion to disqualify District attorney is complete and before the upcoming VOP hearing.

Thank You,

[redacted]

On Jul 20, 2015 4:03 PM, "[redacted]" wrote:

Dear Ms. Parks,

I am writing to you regarding the prosecution of whistleblower [redacted] in Santa Clara Superior Court. ( Docket [redacted] )

Due to the continued interest in [redacted] evidenced by those in the legal system in Santa Clara County, and given my understandings of what many believe is a wrongful prosecution, I went ahead and pulled up the financial transaction documents for both Supervising DA James Leonard and also Judge David Cena. There is concern now that either or both may be laundering funds (bribes and pay offs) through their home loans.

As you are the defense attorney representing [redacted] I am forwarding the documents culled from the Grantor Grantee index to you and am formally asking you to procure the loan and reconveyance records, in pursuit of an adequate defense for Mr. [redacted] in this unique high profile case.

The issue of home loans as a mechanism for paying off public officials is well known.

If you wouldn’t mind also sending these documents on to me when you have procured them it would be most appreciated.

Thanking you in advance,
On Thu, Jun 18, 2015 at 10:29 PM, South Bay Advocacy Network wrote:

Hello Amanda. In addition to the other corrections to the motion to disqualify the District Attorney's office, I concern of another statement you made which to a degree, is misleading.

In the motion, you stated that I had admitted to a probation violation. This, as you are aware was due to my being misled by Mr. Thomson Sharkey who told me that it was a violation of probation to publish a news article about the facts of the case. If bringing attention to the acts of fraud by assistant DA James Leonard caused him embarrassment.

After I was released, I met with Mr. Davis who showed me the terms of probation and it was made clear in these these terms that I absolutely did not violate probation and the court record should accurately reflect this fact.

If the court record states otherwise, then this again is clear evidence that the prosecution is cheating & creating false records.

When the motion is complete, it needs to clearly reflect the facts. Currently, the motion contains several inaccuracies that need to be corrected before the motion is heard.

Some examples:

I have never published material speaking negatively about deputy Ridgeway's role as Police officer.

I have never published images "targeting" the assistant DA James Leonard.

Before this motion is heard, these errors must be corrected and every line of the motion must be initialed with my approval.
If these corrections are not made, then the motion to disqualify the District Attorney's office may not be heard.

The final draft of the motion must reflect the facts of the case and not be a seamless continuum of this malicious & fraudulent court record: [redacted]

Thank You,

[redacted]

-------- Forwarded message --------
From: Heiri Schuppisser <HSchuppisser@momentummh.org>
Date: Wed, Jul 8, 2015 at 1:34 PM
Subject: RE: [redacted] - Request for assistance
To: [redacted]
Cc: "Goodman, Gary" <Gary.Gooodman@pdo.sccgov.org>, Heiri Schuppisser <HSchuppisser@momentummh.org>

[redacted] just CC.. P.D. Gary Goodman at your request. Our meeting with me is July-14th at 9:30am @ 206 South California Ave in Palo Alto.

From: [redacted]
Sent: Wednesday, July 08, 2015 1:12 PM
To: Heiri Schuppisser
Cc: ggoodman@pdo.sccgov.org; tyler.haskell@hos.sccgov.org
Subject: Heiri Sheppuser - Request for assistance

Dear Heiri. Please assist with setting up a meeting with Mr. Gary Goodman to meet with the Staff of Santa Clara County Supervisor: Joe Simitian to address the false police reports written by Santa Clara County Sheriff Detective's David Carroll and Samy Tarazi.

I am able to go over each and every line of these police reports and I am able to demonstrate specifically how each statement made is false, fabricated or misleading.

The Santa Clara County Public Defender's office has a team of investigators who's duty is to follow up on matters such as these, but for whatever reason, they will not do so and the Santa Clara County Sheriff's Department continues to harass and terrrorise myself and [redacted] in clear violation of Santa Clara County Board Policy 3.8 - By not following up on these false police reports, the Public Defender's office is technically granting them permission to continue
writing more false reports and until then, we remain as their hostages and will continue to harass and terrorise us

Thank You,

--------- Forwad message ---------

From: [redacted]
Date: Jul 8, 2015 12:48 PM
Subject: ATT: Tyler Haskell (BOS) - Request for assistance
To: <tyler.haskell@bos.scgov.org>
Cc: <amanda.parks@pdo.scgov.org>, BoardOperations
     <BOARDOPERATIONS@cob.scgov.org>, Joe Simitian <joe.simitian@bos.scgov.org>

Dear Ms. Haskell, I respectfully ask for the assistance of someone from the office of County Supervisor Joe Simitian to please assist in this situation.

The California Government Code expressly makes clear that the board of supervisors is responsible for overseeing the activities of the Public Defender's office and the Santa Clara County Sheriff's department and Rule 3-110 (California Rules of Professional Conduct) makes clear that members of the State Bar are responsible for the incompetence of attorney's acting under their supervision.

The Public Defender's office is denying me access to their team of investigators who's responsibility is to investigate matters such as the false police reports by detective's Samy Tarazi and David Carroll which are criminal acts in clear violation of California Penal Code 118.

Instead of prosecuting these CLEAR violations of Penal Code 118, I believe that the district attorney's office is issuing the directives for these officers to commit this violations. (See rule: 3-210)

Additionally, detective David Carroll put a fake San Jose Address on my booking papers, despite the clear and well established fact that I have been residing in Palo Alto for many years. I believe he did this to railroad this case into department 42 with certain attorneys from DA and PDO who had pre arrangements to mishandle this case. ([redacted])

Please assist and advise,

Respectfully.

[redacted]

[redacted]
-------- Forwarded message --------

From: [redacted]
Date: Jul 8, 2015 12:04 PM
Subject: Supervisor Joe Simitian - Re: Help with Public Defender
To: "Joe Simitian" <joe.simitian@bos.sccgov.org>
Cc: <amanda.parks@pdo.sccgov.org>, "senator. hill" <senator.hill@senate.ca.gov>, [redacted]

Joe, please help me by following up with the Public Defender's office. Amanda Parks, for the most part is doing a fantastic job in representing me, however, I am being denied access to their team of investigators who's responsibility is to follow up on false police reports such as those written by detective's Samy Tarazi and David Carroll.

I have been petitioning them to do this for months and they will not, and the Sheriff's department continues to write false reports because no one is stopping them.

Because of their failure to do this several months ago, before Amanda Parks became my attorney, the information in these false police reports is being carried over into the motion to disqualify the district attorney's office under: "DECLARATION OF FACTS" and now, the the motion cannot be submitted to the court because it is contaminated with the residue of the false police reports, and other fraud committed by Assistant District Attorney, James Leonard.

The false police reports are listed here: [redacted]

Thank You,
[redacted]

-------- Original Message --------

Subject: Amanda Parks - FALSE POLICE REPORTS / MOTION TO DISQUALIFY D.A.
From: South Bay Advocacy [redacted]
To: amanda.parks@pdo.sccgov.org
CC: smccarthy@pdo.sccgov.org

Amanda, I understand that the Public Defender's office has a team of approximately 30 investigators who's responsibility is to investigate false police reports such as those written by detective's Samy Tarazi and David Carroll. Without making accusations toward the Public Defender's office, the lies and fabrications false police reports are so blatant and obvious, and CLEARLY IN VIOLATION OF PENAL CODE 118, and these rogue detectives officers are
being allowed to crank out these false police reports as if they are on an assembly line. There are NO checks and balances in place to stop them and it appears they are doing this with the FULL EXPECTATION that the Public defender's office WILL NOT INVESTIGATE and I feel that I am wrongfully denied access to this public service.

This belief has been confirmed by past experiences such as an email from Miguel Rodriigaz refusing to include supplements from the Internal Affairs complaint in attorney file and he refused to pass this information over to the PDO investigators.

On October 16th of last year, your colleague, Jeffrey Dunn even threatened that if the case was brought to appeal, then the jury would be tampered with to AGREE WITH DETECTIVE CARROLL’S FALSE POLICE REPORTS which fabricated events pertaining to U.S. Congressional Investigation to appear like an anti Government Terror Campaign.

As it stands now, I remain in a very dangerous and vulnerable situation because the Sheriff’s department can simply write ANYTHING THAT THEY WANT.

If the Public defender's office allows them to misrepresented a congressional investigation as an Anti government Terror Campaign, then there is NOTHING STOPPING THEM from arresting me for holding a plastic spoon, and calling the plastic spoon a SWORD OR MACHETE. It does not matter if there are hundreds of witnesses present if the Public defender's office will not follow up with these witnesses.

If is ALSO IMPERATIVE on your end also because of the revisions that need to be done to the Motion to disqualify the district attorney's office. The court date is rapidly spot approaching and you understand that the motion may not be used in court until your errors are corrected. This cannot be done until investigators are assigned to go over and scrutinize EVERY STATEMENT AND WORD IN THESE REPORTS.

To your credit, your representation has been phenomenally awesome compared to any other PDO attorney who has handled this case, but until the issue is addressed and resolved with the false police reports, I cannot acquire adequate employment or housing and I am forced to live a life of constant fear, and also, the motion to disqualify the district attorney's office will be adequate to be heard by the court.

Please assign investigators to the the false police reports so that the errors made in your motion may be corrected and we may proceed with the case.

You may check with Miguel Rodriigaz on these issues as I have brought them to his attention and by now, he should have taken corrective action as required pursuant to Rule 3-110 of the California Rules of Professional Conduct.


Thank you,
NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

---------- Forwarded message ----------
From: [redacted]
Date: Sep 10, 2015 11:45 AM
Subject: Canon 3(d) / Deputies Sieze court documents. (Case: [redacted])
To: [redacted]
Cc: <chamilton@da.sccgov.org>, "Jay Boyarsky" <JBoyarsky@da.sccgov.org>,
    <chendrickson@da.sccgov.org>, "Gary Goodman" <gary.goodman@pdo.sccgov.org>

Your honor,

In respect to Canon 3(D), please be advised that on October 16th of 2014, assistant DA James Leonard directed Sheriff Deputies to seize these documents which are mainly copies of emails between myself and Deputy Public Defender, Jeffrey Dunn.

These records show that assistant DA James Leonard was also supposed to turn over all exculpatory evidence.
Neither the attached emails or the exculpatory evidence was entered into court record and I was arrested on a fabricated probation violation which would not have been possible, had these improprieties not occurred.

It was made clear to Amanda Parks that the Motion to disqualify DA not be submitted until this exculpatory evidence was included, which would have course had to show that the police reports were falsified and the County was in violation of Board Policy 3.8

Please follow up pursuant to Canon 3(D)

Respectfully Submitted,
[redacted]

---------- Forwarded message ----------
From: South Bay Advocacy [redacted]
Date: Fri, May 22, 2015 at 9:20 AM
Subject: Raj
Hi Raj. I filed internal affairs complaint against detectives Carroll and Tarazi and copied each allegation to public defenders office requesting all info from IA case: [redacted] be included in attorney file for: [redacted]

It does not appear that PDO is including this in my attorney file & the info in police reports does not meet criteria of federal rules of evidence & California evidence code to legally be submitted into court record, yet they are allowing it anyway.

This is getting carried over to State Attorney General's office with motion to disqualify & state attorney general is preparing response.

They are not investigating false reports and fabrication of probable cause.

--------- Forwarded message --------
From: South Bay Advocacy Network - [redacted]
Date: Wed, Jun 10, 2015 at 3:13 PM
Subject: Amanda Parks - AG Case: S2015300247
To: amanda.parks@pdo.sccgov.org
Cc: joyce.blair@ag.ca.gov

Hello Amanda,

I have followed up with the State Attorney General's office and learned that the Attorney General Case number is S2015300247 and the prosecutor is Joyce Blair. - regarding the motion to disqualify the Santa Clara County District Attorney's office.

As I made clear to Kelly Kulick, this motion may not be filed or heard until I have authorised so in writing and every line of the motion must be initial each line BEFORE this is filed and heard.

Additionally, this is a Palo Alto case - NOT a San Jose case. Detective David Carroll put a fake address on the booking papers to railroad this case into San Jose.

I reside in Palo Alto and the "alleged" crime occurred in Palo Alto. Therefore, this motion, once the errors are corrected, is to be heard in the Palo Alto court house at 270 Grant Ave.

You submitted the Police reports as exhibits, but you had forgotten to mention the fact that these police reports - all of them were fraudulent.
Respectfully,

(Victim of Malicious Prosecution)

-------- Forwarded message --------
From: South Bay Advocacy Network
Date: Thu, Jun 4, 2015 at 3:27 PM
Subject: Amanda Parks - Request for Motion (DOCKET: [Redacted])
To: amanda.parks@pdo.sccgov.org
Cc: [Redacted]

Hello Amanda,

In regards to case: [Redacted] I request that a motion be filed to require the prosecution to answer under oath that he has turned over all exculpatory evidence and also to answer under oath as to whether or not all of the information in the police reports is true and accurate.

I also request that detectives David Carroll, Samy Tarazi and deputy Ridgeway each be cross examined on the statements that were made in the reports. (See allegations to internal affairs complaint: [Redacted], each of which are to be included in the attorney case file to docket # [Redacted])

Thank You,

[Redacted]

(Would also like copy of court transcript for this)

-------- Forwarded message --------
From: South Bay Advocacy
Date: Tue, Jul 28, 2015 at 4:58 PM
Subject: Re: VOP Hearing
To: Amanda Parks <amanda.parks@pdo.sccgov.org>

Hello Amanda,

About 7 months ago, information about the false police reports (IA CASE [Redacted]), and the Prosecutorial misconduct in Case: [Redacted] has been given to Miguel Rodriguez with the clear understanding, that the information would be forwarded to the investigators. They have had time
to complete the investigation, and sustain my allegations of falsified reports and Prosecutorial misconduct.

If the findings are not returned as "SUSTAINED", either proper procedure was not followed, or it was completely bypassed.

You explained that you had a reason for suppressing the exculpatory evidence and for putting false/fabricated information into the "Motion to disqualify District Attorney" but you did not explain to me what the reason is for doing this, and I cannot understand how this could possibly benefit me.

As it stands now. I do not understand how we are to proceed with VOP hearing without these findings, because without these findings, there are now "two trajectories"

The first trajectory is the real factual events.

The Second Trajectory is the fictional fictional court record.

There should only be one trajectory and by having two trajectories is like following more than one procedure or traveling two roads at the same time.

We cannot bring these two trajectories onto one course without first resolving the "differential equation" which can only be done by addressing the false police reports and fake court record.

I believe that if Miguel Rodriegaz had done this 7 months ago, then the "Motion to Disqualify District Attorney" would not have had all of the inaccurate information, which is "contaminated residue" from the false police reports, etc.

The Sheriff's Department has strict policy against police reports like this and are also a crime.

Since the Sheriff's Department does not follow their policy against writing false police reports, should not the Public Defender take EXTRA PRECAUTIONS on investigating these reports?

Since the differential equation between fact and fiction is unresolved, I request that that pursuant to Federal Rules of Evidence 611 and California Evidence Code 952, that I am not cross examined or asked to testify regarding any statements in the police reports or the court record to [REDACTED] because it is factually impossible to do so.

I should think this applies to FRE 611(a)(1), FRE611(a)(2)

And also FRE(b) because the scope of of cross examination should not go beyobject matter.
It is factually impossible to testify about fake, fabricated and imaginary events.

Thank You,

A differential equation is a mathematical equation that relates some function with its derivatives. In applications, the functions usually represent physical quantities, the derivatives represent their rates of change, and the equation defines a relationship between the two. Because such relations are extremely common, differential equations play a prominent role in many disciplines including engineering, physics, economics, and biology.

In pure mathematics, differential equations are studied from several different perspectives, mostly concerned with their solutions—the set of functions that satisfy the equation. Only the simplest differential equations are solvable by explicit formulas; however, some properties of solutions of a given differential equation may be determined without finding their exact form.

---------- Forwarded message ----------
From:                     
Date: Thu, Jul 23, 2015 at 10:18 AM
Subject:  
To:                  
Cc:                     

Hello \[ \star \] The County Executive's office oversees the Public Defender and the District Attorney's office and it is the County Executive's office which has direct interest in preserving the false police reports.

Detective David Carroll became involved because the County Counsel would not follow their policy & Procedure for handling whistleblower complaint.

Instead of handing the whistleblower complaint to the County Executive as policy mandates, County Counsel Orry Korb dispatched detective David Carroll to stalk us, harass us and terrorise us.

Please call me when you have a chance. (\[ \star \]  

Thanks,
Good Morning Amanda.

Thank you for your voicemail yesterday at 3:43 P.M. explaining to me that something said by Ms. McLemore may have been taken out of context during her phone call to me yesterday morning at 11:55 A.M.

To avoid anything being taken out of context, can you please explain in writing what will be done and what will not be done in regards to the investigation request.

I would think that the falsified police reports created by Detectives Tarazi and David Carroll would be the most important focus at this time because these reports were in fact fraudulent and used to procure jurisdiction in court which had no jurisdiction.

These false police reports will also be critical focal point in the Federal Lawsuit which is being prepared against the Santa Clara County Sheriff's department and the offending officers.

In the conversation I had yesterday with Gary Goodman at 4:46 P.M., he expressed that it is important to not email too much regarding these issues and I respect this. By the same token however, it is very important that an accurate record is kept of events and correspondences and also so nothing is taken out of context.

I would think that this would be especially important due to the fact that all of the police reports so far are fraudulent and they do not represent a truthful account of events that occurred.

To avoid anything being taken out of context, please explain in writing to me what will be will be investigated and what will not be investigated and the reasons for each.

At this point, I cannot see a valid reason for not investigating the false police reports, especially since they are included in the motion as "Exhibits" and false information is included in the "Declaration of Facts" to the 7/31/15 Motion to disqualify the district attorney's office.

I understand that you must be under some pressure from the County Executive's office, since they are the ones that were supposed to have handled the whistleblower complaint, which resulted in detective Carroll's original false police report.
Please understand however, that I am under pressure also, and the harassment by these officers has been going on for a very long time and this of course is worsened by these false police reports.

Respectfully Submitted,

---------- Forwarded message ----------
From: California Relay
Date: Tue, May 26, 2015 at 6:29 PM
Subject: Re: Probation Conditions - CASE: South Bay Area
To: "amanda.parks@pdo.sccgov.org" <amanda.parks@pdo.sccgov.org>
Cc: "amanda.parks@pdo.sccgov.org" <amanda.parks@pdo.sccgov.org>

Another thing that they are doing is fabricating violations that didn't happen & the police involved keep writing false police reports with outright lies.

They are so blatant and obvious a it as if they are expecting that the PDO won't do anything about it and they don't. Then the PDO took the false information in the police reports and patched it into the motion to disqualify the district attorney's office trying to say that the DA is named a victim and it is conflict of interest.

This is true in a sense that it is a conflict of interest but he is absolutely not a victim whatsoever. James Leonard is the instigator for this whole thing and he is probably the one giving the Sheriff's department the greenlight to fabricate this crap and telling them to write false police reports. The public defender has a big team of investigators for this but they just keep on ignoring it and this tells the sheriff's department that it is OK to just make stuff up and lie all they want.

27.05.2015, 00:29, 
> Looks to me like they are "out to lunch". How is he a "victim" because he is embarrassed? Makes no sense at all. Probably should be embarrassed.Probably has not sued for libel because truth is a defense.
>
> Clearly looks like violation of your 1st Amendment right of free speech.
>
> Again, I do not know enough of the facts (all!) to advise properly, but that is my reaction.
>
> File for an Injunction to prevent enforcement of the conditions? Unless there is some Court Rule specifying otherwise. For example, in Delaware (Rule 35 b) one can Move to Modify a condition of probation "at any time", and that is exactly what I would do, arguing that it clearly is illegal.
>
> can you please send any donation? I am in a financial pickle again!
>
> On Tue, May 26, 2015 at 4:03 PM, South Bay Area wrote:
>> Hi Amanda. The case law below applies to the CR 161 restraining order filed on 10/31/14 & from what I understand should invalidate the additional condition of probation established on that date. (Mr. Leonard calling himself a victim because he was embarrassed by news article informing the public about the facts of the case & & Leonard's suppression of exculpatory evidence then filing fake CR-161 to retaliate against me)
>>
>> If the probation condition prohibits otherwise legal activity, and is not reasonably related to the crime committed or to future criminality, it will be declared invalid. (See People v. Fritchey (1992)
>>
>> A probation condition that infringes upon constitutional rights is subject to special scrutiny. Such a condition must be narrowly drawn and constitute the least restrictive means to serve the dual purposes of rehabilitation and protecting public safety. (People v. Pointer (1984) 151 Cal.App.3d 1128, 1139; In re White, supra, 97 Cal.App.3d at 148.)
>> Overbroad restrictions upon a defendant's constitutional rights are not permitted.
>> (People v. Pointer, supra, 151 Cal.App.3d at 1136-11.
>>
>> I wanted to suggest that since the conditions imposed against me are invalid, it may be better to "attack" the invalidity of the probation conditions imposed by "the court"
>>
>> Thank you,
>>
> --
>
> MAKE it a day!
>
> All the best,
----- Forwarded message -----  

From: [redacted] 
Date: Thu, Jul 23, 2015 at 11:18 AM 
Subject: Amanda Parks - Follow up 
To: Amanda Parks <amanda.parks@pdo.sccgov.org>

Hello Amanda, in your voicemail to me yesterday at 3:43 P.M., you had asked me to give you a call so that you could clarify what would be done and what would not be done in regards to investigation request and the police reports created by Santa Clara County Sheriff Detective's David Carroll and Samy Tarazi to case: [redacted]

I would prefer that you please email me this information, and if there are any questions, then I will call you for clarification.

These false police reports and harassment are crimes, and I am a victim of these crimes. Unless something is done about this, then nothing is stopping these officers from continuing to create these false police reports.

Additionally, since these false police reports are in direct response to the County Executive's office's mishandling of the whistleblower complaint (in violation) of Board Policy 3.8), then shouldn't there be a discovery motion filed to obtain this exculpatory evidence?

Because the prosecution suppressed this evidence and other evidence, I would think this would be considered fraud to procure jurisdiction in a court which did not have jurisdiction.

Since the court did not have this jurisdiction, shouldn't the public defender's office acknowledge and address this fact, so that the orders issued may be rendered "VOID"?

Respectfully,

[redacted]

On Jul 23, 2015 8:52 AM, [redacted] wrote:

Good Morning Amanda.

Thank you for your voicemail yesterday at 3:43 P.M. explaining to me that something said by Ms. McLemore may have been taken out of context during her phone call to me yesterday morning at 11:55 A.M.

To avoid anything being taken out of context, can you please explain in writing what will be done and what will not be done in regards to the investigation request.

I would think that the falsified police reports created by Detectives Tarazi and David Carroll would be the most important focus at this time because these reports were in fact fraudulent and used to procure jurisdiction in court which had no jurisdiction.
These false police reports will also be critical focal point in the Federal Lawsuit which is being prepared against the Santa Clara County Sheriff's department and the offending officers.

In the conversation I had yesterday with Gary Goodman at 4:46 P.M., he expressed that it is important to not email too much regarding these issues and I respect this. By the same token however, it is very important that an accurate record is kept of events and correspondences and also so nothing is taken out of context.

I would think that this would be especially important due to the fact that all of the police reports so far are fraudulent and they do not represent a truthful account of events that occurred.

To avoid anything being taken out of context, please explain in writing to me what will be will be investigated and what will not be investigated and the reasons for each.

At this point, I cannot see a valid reason for not investigating the false police reports, especially since they are included in the motion as "Exhibits" and false information is included in the "Declaration of Facts" to the 7/31/15 Motion to disqualify the district attorney's office.

I understand that you must be under some pressure from the County Executive's office, since they are the ones that were supposed to have handled the whistleblower complaint, which resulted in detective Carroll's original false police report.

Please understand however, that I am under pressure also, and the harassment by these officers has been going on for a very long time and this of course is worsened by these false police reports.

Respectfully Submitted,

--------- Forwarded message ---------
From: [redacted]
Date: Sat, May 30, 2015 at 4:01 PM
Subject: Re: Suzy - Pending Class Action / Federal Investigation
To: [redacted]

ok

On Sat, May 30, 2015 at 6:24 PM, [redacted] wrote:

Suzy, please call me when you can. I am in contact with attorney who can assist us in class action suit against the County of Santa Clara & he also knows how to approach U.S. Attorney's
office to petition them for a Federal Investigation into the Santa Clara County Sheriff's department.

We need to gather victim testimonies and coordinate with one another.

Best Regards,

On May 30, 2015 2:20 PM, [Redacted] wrote:

ok. Sent you a letter to editor. Cannot open the attachment.

On Sat, May 30, 2015 at 4:10 PM, [Redacted] wrote:

Hi [Redacted], This case in Southern California is remarkably similar to what is happening to me in Santa Clara County. The Sheriff's department and district attorney's office here worked together in fabricating evidence and they suppressed all exculpatory evidence proving my innocence. Then the District Attorney's office retaliated against me for publishing a news article informing the public about the facts of the case. A restraining order was filed against me for the news article & the DA is named as a victim because I allegedly embarrassed him by exposing his fraud and misconduct.

Because he is named as "victim", the public defender's office has filed a motion to disqualify the DA's office & have the D.A. replaced by the State Attorney General.

I have informed the public defender's office that the motion may not be heard until correction have been made & before being heard, the motion must accurately reflect the abuse of process, malicious prosecution the disgusting harassment and other retaliatory acts and the false police reports created by Detectives David Carroll and Samy Tarazi.

The case [Redacted] has been continued until late July, which will hopefully give the public defender's office adequate time to correct the inaccuracies in the motion to disqualify.

http://m.dailykos.com/story/2015/05/29/1388819/-Judge-disqualifies-all-250-prosecutors-in-Orange-County-CA-because-of-widespread-corruption

Attached, please find recording of attorney "Thompson Sharkey" admitting that I was railroaded for a crime I did not commit.

Is there a chance you could call me?

-------- Original Message --------
Subject: Re: Probation Conditions - CASE: [Redacted]
From: California Relay
To: South Bay Area

CC: amanda.parks@pdo.sccgov.org

Another thing that they are doing is fabricating violations that didn't happen & the police involved keep writing false police reports with outright lies.

They are so blatant and obvious at it as if they are expecting that the PDO won't do anything about it and they don't. Then the PDO took the false information in the police reports and packed it into the motion to disqualify the district attorney's office trying to say that the DA is named a victim and it is conflict of interest.

This is true in a sense that it is a conflict of interest but he is absolutely not a victim whatsoever. James Leonard is the instigator for this whole thing and he is probably the one giving the Sheriff's department the greenlight to fabricate this crap and telling them to write false police reports. The public defender has a big team of investigators for this but they just keep on ignoring it and this tells the sheriff's department that it is OK to just make stuff up and lie all they want.

27.05.2015, 00:29,

> Looks to me like they are "out to lunch". How is he a "victim" because he is embarrassed? Makes no sense at all. Probably should be embarrassed.Probably has not sued for libel because truth is a defense.
> 
> Clearly looks like violation of your 1st Amendment right of free speech.
> 
> Again, I do not know enough of the facts (all!!) to advise properly, but that is my reaction.
> 
> File for an Injunction to prevent enforcement of the conditions? Unless there is some Court Rule specifying otherwise. For example, in Delaware (Rule 35 b) one can Move to Modify a condition of probation "at any time", and that is exactly what I would do, arguing that it clearly is illegal.
> 
> can you please send any donation? I am in a financial pickle again!
> 
>

> On Tue, May 26, 2015 at 4:03 PM, South Bay Area wrote:
>> Hi Amanda. The case law below applies to the CR 161 restraining order filed on 10/31/14 & from what I understand should invalidate the additional condition of probation established on that date. ( Mr. Leonard calling himself a victim because he was embarrassed by news article informing the public about the facts of the case & & Leonard's suppression of exculpatory evidence then filing fake CR-161 to retaliate against me)
If the probation condition prohibits otherwise legal activity, and is not reasonably related to the crime committed or to future criminality, it will be declared invalid. (See People v. Fritchey (1992))

A probation condition that infringes upon constitutional rights is subject to special scrutiny. Such a condition must be narrowly drawn and constitute the least restrictive means to serve the dual purposes of rehabilitation and protecting public safety. (People v. Pointer (1984) 151 Cal.App.3d 1128, 1139; In re White, supra, 97 Cal.App.3d at 148.) Overbroad restrictions upon a defendant’s constitutional rights are not permitted. (People v. Pointer, supra, 151 Cal.App.3d at 1136-11.

I wanted to suggest that since the conditions imposed against me are invalid, it may be better to "attack" the invalidity of the probation conditions imposed by "the court"

Thank you,

MAKE it a day!

All the best,

MAKE it a 😊 day!

All the best,

MAKE it a 😊 day!

All the best,
-------- Forwarded message --------
From: California Relay
Date: Wed, May 27, 2015 at 2:13 PM
Subject: POINT BLANK QUESTION TO MOLLY O'NEAL
To: moneal@pdo.sccgov.org
Cc: info@calbar.ca.gov

Ms. O'Neal, why are you refusing to assign investigators to investigate these falsified police reports?

Is this not what your investigators paid to do?

This is misfeasance on your part and you are enabling this fraud!

Who is telling you to do this?

-------- Beginning of forwarded message --------
27.05.2015, 22:43, "California Relay" <person@domain.com>

Jeffrey Dunn is the main public defender responsible for attacking the coalition and he is also the one who threatened to tamper with the jury if the case was appealed and brought to jury trial. He bent over backwards to damage this case & must be disgraced publicly.

-------- Beginning of forwarded message --------
27.05.2015, 22:23, "South Bay Advocacy Network" <person@domain.com>

Thank you <person@domain.com> This recording was made legally in public setting. Not over telephone. If you would like, feel free to play it over the air on your T.V. show.

<person@domain.com> wrote:

be very careful, it is illegal to record phone calls in many states

On 5/27/15 12:51 PM, <person@domain.com> wrote:

> Good morning <person@domain.com>
>
> I am attaching copy of recording of attorney: Thompson Sharkey admitting that I was railroaded for crime I did not commit. I am copying this email to retired prosecutor <person@domain.com>
Board Policy 3.8

On May 27, 2015 9:24 AM, "California Relay" <<<<<<< wrote:

what is the policy that they are violating by harassing and retaliating against you?

-------- Beginning of forwarded message --------

27.05.2015, 19:13, "California Relay" <<<<<<<

suggests bringing publicity to the Public Defender's office in Santa Clara County not assigning investigators to address the false police reports. The false statements and fabrications are so blatant it appears that the Sheriff's department is anticipating that the public defender will just ignore it.

Someone is probably telling the public defender to ignore the false police reports. Since this whole thing resulted from the County Executive retaliating for whistleblower complaint, then the County executive's office is probably giving directions to the public defender. It is a conflict of interest because County executive Jeff Smith is Molly O'Neal's immediate supervisor.

They are supposed to have a team of investigators who's responsibility is to investigate matters like this. <<<<< is being denied access to these services.

There is photo of Molly O'Neal here:

http://paloaltofreepress.com/santa-clara-county-public-defen...

Molly O'Neal is supposed to be responsible for the actions and behavior of everyone in her office

-------- Beginning of forwarded message --------

27.05.2015, 10:08, "California Relay" <<<<<<<

I know all too well about false reports, and the hell it is trying to get anyone to DO something about it! It is a crime. The best you can do is embarrass them in the press, and email the U S ATTORNEY for your district

Hell, call out the PD also! Embarrass THEM in the press!

On Tue, May 26, 2015 at 9:29 PM, California Relay <<<<<<<< wrote:

Another thing that they are doing is fabricating violations that didn't happen
& the police involved keep writing false police reports with outright lies.

>>> They are so blatant and obvious a it as if they are expecting that the PDO won't do anything about it and they don't. Then the PDO took the false information in the police reports and patched it into the motion to disqualify the district attorney's office trying to say that the DA is named a victim and it is conflict of interest.

>>> This is true in a sense that it is a conflict of interest but he is absolutely not a victim whatsoever. James Leonard is the instigator for this whole thing and he is probably the one giving the Sheriff's department the greenlight to fabricate this crap and telling them to write false police reports. The public defender has a big team of investigators for this but they just keep on ignoring it and this tells the sheriff's department that it is OK to just make stuff up and lie all they want.

>>> 27.05.2015, 00:29, [REDACTED]

>>> Looks to me like they are "out to lunch". How is he a "victim" because he is embarrassed? Makes no sense at all. Probably should be embarrassed. Probably has not sued for libel because truth is a defense.

>>> Clearly looks like violation of your 1st Amendment right of free speech.

>>> Again, I do not know enough of the facts (all!!) to advise properly, but that is my reaction.

>>> File for an Injunction to prevent enforcement of the conditions? Unless there is some Court Rule specifying otherwise. For example, in Delaware (Rule 35 b) one can Move to Modify a condition of probation "at any time", and that is exactly what I would do, arguing that it clearly is illegal.

>>> can you please send any donation? I am in a financial pickle again!

>>> On Tue, May 26, 2015 at 4:03 PM, South Bay Area [REDACTED] wrote:

>>> Hi Amanda. The case law below applies to the CR 161 restraining order filed on 10/31/14 & from what I understand should invalidate the additional condition of probation established on that date. (Mr. Leonard calling himself a victim because he was embarrassed by news article informing the public about the facts of the case & & Leonard's suppression of exculpatory evidence then filing fake CR-161 to retaliate against me)

>>> If the probation condition prohibits otherwise legal activity, and is not reasonably related to the crime committed or to future criminality, it will be declared invalid. (See People v. Fritchey (1992)

>>> A probation condition that infringes upon constitutional rights is subject to special scrutiny. Such a condition must be narrowly drawn and constitute the least restrictive

I wanted to suggest that since the conditions imposed against me are invalid, it may be better to "attack" the invalidity of the probation conditions imposed by "the court" Thank you,

-- MAKE it a day!

All the best,

-- MAKE it a day!

All the best,

-------- End of forwarded message --------

-------- End of forwarded message --------

-- Reach for the Skies... Within!

-------- End of forwarded message --------

-------- End of forwarded message --------

-------- Forwarded message --------
From: 
Date: Sat, Jul 25, 2015 at 6:48 PM
Subject: RE: (& too)
To: 
Cc: 

Hi,

I am on the road. Just got into Panajachel (in Guatemala). This nonsense with Mexico and Ecuador was escalating and I decided it was time to make myself scarce.
The posada where I am staying right now has a terrible internet connection, no skype capabilities. Maybe I can call in a couple of days...when I am located elsewhere...I am on my way to Honduras to see a friend. Soft landing and all that.....

Date: Thu, 23 Jul 2015 10:18:06 -0700
Subject: [removed] ( & [removed] too)
From: [removed]
To: [removed]
CC: [removed]

Hello [removed] The County Executive's office oversees the Public Defender and the District Attorney's office and it is the County Executive's office which has direct interest in preserving the false police reports.

Detective David Carroll became involved because the County Counsel would not follow their policy & Procedure for handling whistleblower complaint.

Instead of handing the whistleblower complaint to the County Executive as policy mandates, County Counsel Orry Korb dispatched detective David Carroll to stalk us, harass us and terrrify us.

Please call me when you have a chance. [removed] )

Thanks,
[removed]

-------- Forwarded message -------
From: [removed]
Date: Jul 23, 2015 8:52 AM
Subject: Amanda Parks - PDO
To: "Amanda Parks" <amanda.parks@pdo.sccgov.org>
Cc:

Good Morning Amanda.

Thank you for your voicemail yesterday at 3:43 P.M. explaining to me that something said by Ms. McLemore may have been taken out of context during her phone call to me yesterday morning at 11:55 A.M.

To avoid anything being taken out of context, can you please explain in writing what will be done and what will not be done in regards to the investigation request.
I would think that the falsified police reports created by Detectives Tarazi and David Carroll would be the most important focus at this time because these reports were in fact fraudulent and used to procure jurisdiction in court which had no jurisdiction.

These false police reports will also be critical focal point in the Federal Lawsuit which is being prepared against the Santa Clara County Sheriff's department and the offending officers.

In the conversation I had yesterday with Gary Goodman at 4:46 P.M., he expressed that it is important to not email to much regarding these issues and I respect this. By the same token however, it is very important that an accurate record is kept of events and correspondences and also so nothing is taken out of context.

I would think that this would be especially important due to the fact that all of the police reports so far are fraudulent and they do not represent a truthful account of events that occurred.

To avoid anything being taken out of context, please explain in writing to me what will be will be investigated and what will not be investigated and the reasons for each.

At this point, I cannot see a valid reason for not investigating the false police reports, especially since they are included in the motion as "Exhibits" and false information is included in the "Declaration of Facts" to the 7/31/15 Motion to disqualify the district attorney's office.

I understand that you must be under some pressure from the County Executives office, since they are the ones that were supposed to have handled the whistleblower complaint, which resulted in detective Carroll's original false police report.

Please understand however, that I am under pressure also, and the harassment by these officers has been going on for a very long time and this of course is worsened by these false police reports.

Respectfully Submitted,

On Thu, Jun 18, 2015 at 10:29 PM, South Bay Advocacy Network wrote:
Hello Amanda. In addition to the other corrections to the motion to disqualify the District Attorney"s office, I concerned of another statement you made which to a degree, is misleading.

In the motion, you stated that I had admitted to a probation violation. This, as you are aware was due to my being misled by Mr. Thomson Sharkey who told me that it was a violation of probation to publish a news article about the facts of the case If bringing attention to the acts of fraud by assistant DA James Leonard caused him embarrassment.
After I was released, I met with Mr. Davis who showed me the terms of probation and it was made clear in these terms that I absolutely did not violate probation and the court record should accurately reflect this fact.

If the court record states otherwise, then this again is clear evidence that the prosecution is cheating & creating false records.

When the motion is complete, it needs to clearly reflect the facts. Currently, the motion contains several inaccuracies that need to be corrected before the motion is heard.

Some examples:

I have never published material speaking negatively about deputy Ridgeway's role as Police officer.

I have never published images "targeting" the assistant DA James Leonard.

Before this motion is heard, these errors must be corrected and every line of the motion must be initialed with my approval.

If these corrections are not made, then the motion to disqualify the District Attorney's office may not be heard.

The final draft of the motion must reflect the facts of the case and not be a seamless continuum of this malicious & fraudulent court record:

Thank You,

-------- Forwarded message --------
From: [redacted]
Date: Fri, May 15, 2015 at 1:16 PM
Subject: Detective Tarazi
To: Alfredo Alanis <alfredo.alanis@sheriff.sccgov.org>
Cc: amanda.parks@pdo.sccgov.org, "Connie@DCA Conkle" <Connie.Conkle@dca.ca.gov>, keith.dann@doj.ca.gov

Detective Tarazi filed a fraudulent police report claiming that I had been arrested for harassing Mr. Leonard which is an outlandish lie.
I have never harassed Mr. Leonard, I have never been arrested, charged or convicted for harassing Mr. Leonard. Case: [redacted] states that there are "2 counts" of this false charge. Not 3.

The restraining order filed against me was for allegedly "embarrassing Mr. Leonard" in a News Article that was published. I was not told the terms of my probation & I was told that by being "granted probation" that I no longer have the first amendment protection established by the New York Times v. Sullivan Supreme Court Decision. I was not informed either verbally or in writing of my Morrissey-Vickers rights.

If the court transcript indicates otherwise, then the transcript was altered.

Penal Code 118.1 states that:

Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person.

-------- Forwarded message --------
From: [redacted]
Date: May 15, 2015 12:20 PM
Subject: Re: Fraudulent Document
To: [redacted], [redacted], [redacted], [redacted], [redacted], [redacted]
Cc: [redacted], [redacted], [redacted], [redacted]

Dear Santa Clara County Public Defender's office,

I allege that the Police Report filed by detective Samy Tarazi is a fraudulent document and I will be needing a copy of this police report today.

Please send copy of this police report to me TODAY via email to [redacted]

If you not have the time to email me this document, then I request you take the time to contact someone in your office who does have the time, and make sure that this is done today.

Additionally, it is also my understanding that detective Tarazi own assets in Brisbane California. I the have right to sue him for damages caused & we intend on putting lien against any assets he may own & fully intend to do so.
Thank you,

-------- Forwarded message --------
From: [Redacted]
Date: May 15, 2015 11:11 AM
Subject: Cheryl Stevens - County Counsel
To: Cheryl Stevens <Cheryl.Stevens@cco.sccgov.org>
Cc: Alfredo Alanis <alfredo.alanis@sheriff.sccgov.org>, [Redacted]

Good Morning Ms. Stevens, In the recorded conversation with Mr. Sharkey which occurred AFTER his December 2014 retirement from the Santa Clara County Public Defender’s office, Mr. Sharkey identified me as his present client and he also identified himself as my present attorney.

If this were the case, then I should think that matters relating to this conversation should be protected by attorney client privilege & pursuant to evidence code 953(a), I would be the holder of the privilege.

Be advised therefore that neither the Sheriff's dept or District Attorney's office has my permission to discuss the matter with him without my consent or vica/verse as this "may" constitute a breach the attorney client privilege and violate my rights guaranteed by the 6th Amendment to US Constitution.

An exception to this would be for example if acts of fraud have occurred (FRAUD / CRIME EXCEPTION - See: CLARK VS. UNITED STATES - http://heinonline.org/HOL/LandingPage?handle=hein.journals/nclr64&div=26&id=&page_)

can you see any indication that acts of fraud may have occurred? If so, the question would be by whom? & also, what would be the nature of this fraud? (I am copying this email to Sergeant Alanis so that it may be cross referenced to Internal affairs case: [Redacted])

Thank You,

-------- Forwarded message --------
From: [Redacted]
Date: May 15, 2015 10:02 AM
Subject: Request for copy of Police Report.
To: <amanda.parks@pdo.sccgov.org>
Cc: <smccarthy@pdo.sccgov.org>, [Redacted]
Good morning Amanda, just a friendly reminder that I will need a copy of Detective Samy Tarazi's police report today. (As soon as possible)

It is my understanding that detective Tarazi may own assets in Brisbane California. Both myself and [deleted] both have right to sue him for damages caused & we intend on putting lien against any assets he may own.

Please send copy of the police report to me today in PDF format.

Thank you,
[deleted]

-------- Forwarded message --------
From: [deleted]
Date: May 14, 2015 11:08 PM
Subject: RE: Recording of attorney Thompson Sharkey
To: <amanda.parks@pdo.sccgov.org>, <smcarrthy@pdo.sccgov.org>
Cc: "Alfredo Alanis" <alfredo.alanis@sheriff.sccgov.org>, "Tracey Kaplan" <tkaplan@mercurynews.com>, <svdebug@newamericamedia.com>

Dear Amanda, Thank you for your concern, but this recording was made at public gathering and California appellate court has ruled that this statute applies to the use of hidden video cameras and to record audio conversations as well. See California v. Gibbons, 215 Cal. App. 3d 1204 (Cal Ct. App. 1989)

Detective Tarazi also stated in his report that he recorded me & this recording of me was made without my knowledge or consent. If this was unlawful of him, then please file motion to suppress all evidence gathered via his recording of me & cite the applicable statute so that I may supplement this as an additional allegation to his internal affairs complaint.

If this was NOT unlawful for detective Tarazi, then it was not unlawful for me either. If there is not grounds for motion to suppress Tarazi's recording, then neither should the exculpatory evidence I have obtained via my recording be suppressed.

Furthermore, On October 31st, 2014, Judge David Cena issued a court order stating that the victim [I am the victim] may record ANY inappropriate conversations. This court order was facilitated by Thompson Sharkey, who reconfirms several times within the recording that I am in fact, the victim & that I was railroaded for crime I did not commit. (Full recording was about 36 minutes in length)

Additionally, the State Attorney General's office may potentially prosecute this case & this recording serves as exculpatory evidence to my defense which cannot legally be suppressed. To prosecute fairly, they must fully understand the facts of the case & it must be made crystal clear to them that the court record to [deleted] is a fraudulent court record & so are the police reports
filed in this case. I cannot and will not accept the label as "criminal" & this label will not stick to me, nor will helium stick to a Teflon pan.

I will not play the role of "criminal" to satisfy anyone's sick and perverse agenda because this would be contrary to what my conscience believes to be true & also, I refuse to be an accomplice to the crimes committed by the Santa Clara County Sheriff's Department and District Attorney's office as this could perhaps render me in violation of California Penal Code 31 - Judge Jerome Nadler stated that though my probation status is revoked, I must still comply with the terms which require that I obey all laws.

With PC 31 aside, Heaven forbid my "CONSCIENCE BE CONVICTED" of something so gruesome, hideous and disgusting as to cooperate or pursue the D.A's corrupt motive.

Finally, these violations of board policy 3.8 have been coupled with unlawful use of force and threats of violence against me and those that I love. I therefore have legitimate reason to fear for my life & the lives, health and safety of others.

Even if this recording was technically "illegal", a LEGITIMATE court would surely find me innocent via "Defense of Necessity", the required elements of which are as follows:

1.) The defendant must reasonably have believed that there was an actual and specific threat that required immediate action

2.) The defendant must have had no realistic alternative to completing the criminal act.

3) The harm caused by the criminal act must not be greater than the harm avoided.

4.) The defendant did not himself contribute to or cause the threat.

By all means, Please correct me if I am wrong.

Sincerely yours,

( Victim of Malicious Prosecution - Case: **** )

On May 14, 2015 7:10 PM, "******" wrote:
> In addition to this being in a public setting, on October 31st, 2014, Judge David Cena issued a court order authorizing me to record any inappropriate communications.
>
> Respectfully,
> [Redacted]
> Victim - Case: [Redacted]
It is illegal for you to record someone else without their consent. Please do not attach this recording to any emails to law enforcement agencies or you risk prosecution.

Thank you,

Amanda Parks
Attorney
Office of Public Defender, Santa Clara County
120 W. Mission St.
San Jose, CA 95110
(408) 299-7124
(408) 998-8265 (fax)

NOTICE:
This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. This entire message constitutes a privileged and confidential communication pursuant to California Evidence Code Section 952 and California Code of Civil Procedure Section 2018. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

----------- Forwarded message --------
From: [Redacted]
Date: Tue, Aug 18, 2015 at 12:35 PM
Subject: RE: Tarazi
To: [Redacted]
Cc: [Redacted]

Yes [Redacted] it is true and we have proof. I am copying this to [Redacted] & she can help explain.
His reasoning for search warrant was NOT BASED ON FACTS, but instead were based on previous false reports by Detective David Carroll, which were also PROVEN to be false and confirmed by San Jose Police Dept.

You are retired a prosecutor from Attorney General's office & if there is anything about the information we provide that casts ANY DOUBT, please do not hesitate to contact us for clarification.

I am also copying [redacted].

On Aug 18, 2015 12:17 PM, [redacted] wrote:
And if true he should be PROSECUTED!

MAKE it a great day! [redacted]

[redacted]

And founder of no more organizations this decade! 😊

-----Original Message-----
From: South Bay Advocacy [mailto: [redacted]]
Sent: Tuesday, August 18, 2015 3:10 PM
To: samy.tarazi@sheriff.sccgov.org
Cc: [redacted] Amanda Parks
Subject: Tarazi

Detective Tarazi.

I will be alerting them to the FACT that you fabricated probable cause for search warrant to search their account & I will provide them with the documentation to PROVE IT.

They will most likely bring you massive publicity.

This does not not mean they are "harassing you".
This means: "YOU FABRICATED PROBABLE CAUSE FOR SEARCH WARRANT TO ILLEGALLY ACCESS THEIR ACCOUNT"
Hello Mr. Boyarsky,

I am just letting you know that I was contacted today by an investigative reporter who inquired about Mr. James Leonard's roll in case [redacted] for national series on prosecutor misconduct.

I have agreed to interview over the weekend and to provide additional documentation regarding possible collusion with Judge Lori Pegg.

Thank you & enjoy your weekend.

Rev. [redacted]

P.S. If the reporter inquires about Ms. Barbara Cathcart, I will have nothing except kind words to say.
CASE

FRAUDULENT EVICTION OF [REDACTED] BY JUDGE SOCRATES PETER MANOUKIAN. ROBERT RIDGEWAY LIED ON COURT DOCUMENTS ABOUT NON EXISTANT CAMERA FOOTAGE. REFUSED TO SIGN PAPER OR TESTIFY. LORI PEGG IN CAPACITY OF COUNTY COUNSEL ASSISTED IN FRAUDULENT EVICTION

HUD INQUIRY

SANTA CLARA COUNTY SHERIFF DETECTIVE DAVID CARROLL INTERFERES WITH FEDERAL INVESTIGATION BY U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT

WHISTLEBLOWER COMPLAINT

ACTING COUNTY COUNSEL LORI PEGG, MISHANDED COMPLAINT AGAINST SUBORDINATE ATTORNEY LARRY KUBO. MULTIPLE INCIDENTS OF THREATS AND HARASSMENT BY DETECTIVE DAVID CARROLL. IN VIOLATION OF BOARD POLICY 3.8

CASE

[REDACTED] RAILROADED BY SANTA CLARA COUNTY SHERIFF DETECTIVE DAVID CARROLL AND ASSISTANT DISTRICT ATTORNEY JAMES LEONARD FOR FILING WHISTLEBLOWER COMPLAINT. [IN VIOLATION OF BOARD POLICY 3.8]

JUDGE LORI PEGG – HANDLED FRAUDULENT SEARCH WARRANT COVERING UP HER OWN ACTS OF FRAUD WHICH OCCURRED WHILE SHE WAS ACTING COUNTY
Ms. O'Neal, The Ridgeway images in detective Carroll's report in case [redacted] have markings on them indicating that this was coordinated by the director, Mr. Bassler. [redacted] was not even assigned to this team and even if he was, he would have no decision making power whatsoever as to project dissemination and approval & there are policies as to specifically what meets approval for publication and you are well aware that Mr. Bassler sets these policies.

How could you not have noticed this and why do you insist on attaching [redacted] name to this?

Naturally, since [redacted] was selected by the residents, it only makes sense that he would be consulted on the issue. The conditions at this apartment complex were so bad, that they accused ABC News of making threats on behalf of the coalition. This was beyond ridiculous and is one of the reasons why so much publicity was brought to them. Then they actually called the police on ABC news reporter because of Ryan Mayberry's fraudulent documents.

Don't lie because this was televised on ABC News and it was in court record to [redacted]. What is different that what we explained? How come this is not reflected in [redacted] Weren't your investigators supposed contact the graphic designers over a year ago?

You are acting like this is the first you heard that the police reports were false? Why have no charges been filed against ABC News or Law Foundation of Silicon Valley or anyone else for that matter. Tenant rights literature is legal everywhere in the country, yet you claim that we may not distribute this at Markham Plaza as if Markham Plaza were somehow different than anywhere else.

The exception is not Markham Plaza, it is judge Manoukian who has done this repeatedly to others.
This appears to pattern. The same evening of [redacted] mock trial eviction, ABC news met with several of the victims at the Denny's restaurant just a few blocks north from Markham Plaza where the back room was reserved. After the equipment was set up, co-producer, Jim O'Donnell called each of us for an interview and said: "How many of you have they made false accusations about with no charges being filed?" Without exception, everyone raised their hand and answered yes. All of us were then interviewed by ABC 7 News. The police were called on the other producer: Dan Noyes. Typically, the Santa Clara County sheriff's department court security officers are the ones that Target Manoukian's victims, but in this case, it was a single officer from San Jose Police Department that showed up and looked completely bewildered as to why he was there. (Twin Scandals)

In case [redacted], Santa Clara County sheriff lieutenant Neil Valenzuela adamantly insists that these two scandals involved a different set of government officials, but by simply comparing the court records, you will see that it was in fact the same two judges, same county counsel attorney: Larry Kubo (subject of whistle blower complaint) and others. I cannot speak for others in the coalition, but at the time of briefing the management, I did not understand that Judge Manoukian, who had presided over the EAH Housing eviction fraud scandal had also evicted [redacted] from his mothers home.

All of the victims told remarkably similar stories, and though required by policy, there is no evidence that internal affairs had tried to make contact with them or obtain the footage. When I asked deputy public defender Amanda Parks why the public defender's office refused to interview these specific witnesses and victims, she explained that I had already pleaded guilty, and that Judge Staffords decision was final and I had already excepted blame for the ABC News story. (as if it were some kind of crime) like they were reconfirming that all media coverage was part of Ryan Mayberry's big conspiracy. She twisted this to imply that this would be "incriminating" rather than "exculpatory" evidence and 're admitting / re-confirming" guilt.

We had later learned that Mr. Lee Pullen, director of Aging and adult services who worked with Larry Kubo was neighbor of opposition attorney: Ryan Mayberry, and they live a few short blocks from each other in San Rafael where EAH Housing is headquartered.

They had done this repeatedly throughout the case, and on 10/16/14 I was even arrested for publishing news article about the case, and when I went to court on 10/31/14, attorney Thompson Sharkey insisted that by accepting terms of probation, I had waived my first amendment rights guaranteed by New York Times v. Sullivan. and a fake a fake restraining order was issued demanding that i go nowhere near the district attorney's office because I had embarrassed the prosecuting attorney, by publishing the news article about his prosecutorial misconduct.

I was released from jail early in the morning of November 5th, a few hours after Judge Socrates Manoukians wife, associate justice Patricia Bamratte Manoukian had won relection on California's sixth district court of appeals. Because of of my false arrest, and my time in jail, I was unable to gather signatures notice of intent to
circulate recall petition to remove judge Socrates Manoukian from the bench.

http://ccin.menlopark.org/att-8338/Manoukian_Eviction_Notice_2.pdf

This not only would have devastated Manoukian's wife's election, it also would have exposed the crimes of the officers under the supervision of Captain Ricardo Urena, who oversees the sheriff department's court security division and also directed detective David Carroll's first fake police report & they are acting as if somehow my responsibility to stop all the attention that they are bringing upon themselves. (This case developed in late June/early July 2014 just a few days after the State attorney general's office had announced a criminal investigation into Judge Manoukian, detective Carroll and others which is the abuse of the CLETS law enforcement database mentioned in this document)

Lieutenant Neil Valenzuela admitted that proper procedure was not followed by stating in writing to me that the investigation was conducted by himself and Sergeant Alfredo Alanis. Neither the lieutenant or sergeant may not investigate misconduct directed via chain of command by captain Urena because captain outranks lieutenant and sergeant. This must be handled by of higher rank than captain, yet instead of investigating it, they covered it up as usual. This misconduct is being endorsed by, encouraged by and directed by top leadership of the Santa Clara County sheriff's department, and similar to, in many ways to what is happening with the department of correction. The widespread police corruption in the Santa Clara County Sheriff's department has many common elements to the Rampart Crash scandal of the 1990's. See for yourself with point by point comparison in Rampart Crash report (including theft of property such as [redacted] computer equipment) and that the top administration of both departments were not only aware of, but that they often encouraged and endorsed the unlawful behavior by front line officers.

The fraud committed by Ryan Mayberry in case [redacted] was used to deny [redacted] neighbor, [redacted] rights pursuant to the American's with disabilities act. He was then found dead in his apartment at [redacted]. Santa Clara County Assistant District Attorney, James Leonard was assigned to homicide cases for the district attorney's office at the time when [redacted] body was found. Mr. Leonard was also the same assistant district attorney who railroaded me in case: [redacted] & Leonard's color of law abuses were done in obvious collaboration with Captain Ricardo Urena's court security officers.

Not only has media coverage been repeatedly portrayed as a "crime", I have been told by the Santa Clara County Sheriff's department that I am PERSONALLY responsible for preventing / stopping media attention to the corruption in Judge Socrates Manoukian's court room as if the media was criminally conspiring against Judge Manoukian and the sheriff's department. (Documentation is available upon request.)

Understandably, the Manoukians would be upset by the media coverage by ABC 7 News, as this led to California State assembly bill 937 (Weikowski) which made it more difficult for the Manoukian's to steal real estate from their court room litigants. (Again, I did not cause the ABC news Story. This video was however passed over to property management, hoping that they would rethink their criminal collaboration and refrain from violence, and would instead choose to meet with the team leaders to work toward a peaceful approach to resolve any differences, whether it be real or perceived. Ryan Mayberry snipped out the video altering the record to make it vaguely resemble a threat and reference to ABC News. The same audio footage from this video was also prominently featured in the ABC news story.

Extensive documentation on the Manoukian family's real estate can be found in the Santa Clara County Granter / Grantee index, and for several other California counties. Some is listed under: "Manoukian Family Trust" and "Bamattre Family Trust" which, from what I have been told, has not been accurately documented in their 700 forms.
Regarding,

On Sun, Nov 15, 2015 at 2:02 PM, [redacted] wrote:

Ms. O’Neal, The Ridgeway images in detective Carroll’s report in case [redacted] have markings on them indicating that this was coordinated by the director, Mr. Bassler. [redacted] was not even assigned to this team and even if he was, he would have no decision making power whatsoever as to project dissemination and approval & there are policies as to specifically what meets approval for publication and you are well aware that Mr. Bassler sets these policies.

How could you not have noticed this and why do you insist on attaching [redacted] name to this?

Naturally, since [redacted] was selected by the residents, it only makes sense that he would be consulted on the issue. The conditions at this apartment complex were so bad, that they accused ABC News of making threats on behalf of the coalition. This was beyond ridiculous and is one of the reasons why so much publicity was brought to them. Then they actually called the police on ABC news reporter because of Ryan Mayberry’s fraudulent documents.

Don’t lie because this was televised on ABC News and it was in court record to [redacted]. What is different that what we explained? How come this is not reflected in [redacted]. Weren’t your investigators supposed contact the graphic designers over a year ago?

You are acting like this is the first you heard that the police reports were false? Why have no charges been filed against ABC News or Law Foundation of Silicon Valley or anyone else for that matter. Tenant rights literature is legal everywhere in the country, yet you claim that we may not distribute this at Markham Plaza as if Markham Plaza were somehow different than anywhere else.

The exception is not Markham Plaza, it is judge Manoukian who has done this repeatedly to others.
Hello [REDACTED], here is copy of an email to Judge Socrates Manoukian from Santa Clara county sheriff deputy Robert Eng regarding a documentary film producer named Bill Windsor planning to film a movie about Judge Socrates Manoukian.

Deputy Eng held me responsible for the publicity, and told me that I could be charged with murder (penal code 187) & falsely stated that the film producer had made threats against judges and posted pictures of himself with fire arms.

They never produced any evidence of this, but they acted as if it were a clearly established fact. As it turns out, Deputy Eng was referencing to a pending civil court case out of Lexington County Missouri (CASE# 13LF-CV00289) – this case was dismissed for lack of evidence.

SEE ACCOMPANYING VIDEO:

http://www.youtube.com/watch?feature=player_embedded&v=ZkGzG-NPous

Judge Manoukian,
Little update. I called [REDACTED] yesterday afternoon and spoke to him regarding your issues of him posting propaganda about you on the internet.

I explained to [REDACTED] that even though he has not committed any crime he is on the line of doing so. I demanded I tell him what crimes he might be in violation of and wanted the penal code sections. I told him to look at 653 (m) 422 and possibly 187. As soon as I mentioned 187 Mr. [REDACTED] became very defensive and started yelling that he would never consider such thing. I told him, that by sending your picture to lawless America, he might have jeopardize your safety because the owner of that site Bill Windsor has made numerous threats to judges, posted pictures of himself carrying firearms.

I told [REDACTED], that if Bill Windsor should ever come to this state and confront you, he could be partly responsible. Due to the fact he sent your picture to that site and posted where you live.

[REDACTED] told me he was sorry for the inconvenience and hung up.

I'm following up on the lawless America website. I'll let you know as soon as I find something.

Deputy Robert Eng #1795

Deputy Eng was implying that it was my responsibility to physically prevent a film producer from coming to town, and trying to "criminalize" this media coverage.

This same sort of thing has happened repeatedly in case [REDACTED] and Santa Clara County Sheriff's department arrested me on two occasions because of media attention brought upon them by others & told me that I was to blame for it.
On both of those occasions, other organizations who had signed on to the same project had already claimed responsibility. I have no decision making power over these organization or other individuals for that matter.

Much more documentation is on its way.

I have court tomorrow afternoon, but will try to send something to you early in the morning and I can demonstrate this has been an going pattern.

Thank you,
Hi Ronda, here is the much longer piece re body worn cameras I believe is critical reading for all commission members

FYI:

Dear Commission members:

This is a long but very comprehensive review of the complex and competing interests raised by the issue of outfitting police, correction officers, and other members of law enforcement, with 24/7 body worn cameras. I highly recommend this document for your review.

Sincerely,

http://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf

Shared via the Google app

Sent from my iPhone
Hello Brian, my original arrest was for an image created through a media organization that I was a member of. I had no decision making power over the organization's projects & have no influence over their policies, yet I am nonetheless being blamed for what they do.

Just because information was exchanged regarding the EAH Housing scandal, these fake records make it appear as if I am in control of these different organizations.

Since they were covering the story, they consulted with me on what had occurred and the roles played by different individuals.

This is no different than what any other media organization would do.

Detective Carroll fraudulently procured a search warrant for the conversation & fabricated the complaint and report to make it appear that I was somehow directing the activities of this organization.

It was not until after my arrest did I make contact with the organization's director. Prior to that, I did not even know who he was. One of their members had been covering the public guardian for years, so naturally he would be covering issues regarding the EAH Housing scandal.

If I did not know the director, and was not a member, then how can these bizarre reports claim that I have more influence over this organization than the director, who I never even had contact with.

It was clearly understood that if eah Housing stepped into the scandal, then they would step into the spotlight was already in place. I did not set up that spotlight. I kindly asked them to not step into it.

Since my criminal case stemmed from same scandal, others who participate such as Deputy Ridgeway will of course be exposed.

That was determined back in 2012 and I cannot turn back the clock. They were the ones who insisted on proceeding and I cannot be held responsible for their recklessly decision to not listen to reason.

They had nothing to lose by accepting our generous invitation to simply sit down with the team leaders to talk over problems, and figure out a way to resolve the conflict. This would have been a win-win situation.

Obviously there way did not work, yet I am being blamed for their poor choices.

Thank you.
Hello [redacted], here is copy of an email to Judge Socrates Manoukian from Santa Clara county sheriff deputy Robert Eng regarding a documentary film producer named Bill Windsor planning to film a movie about Judge Socrates Manoukian.

Deputy Eng held me responsible for the publicity, and told me that I could be charged with murder (penal code 187) & falsely stated that the film producer had made threats against judges and posted pictures of himself with fire arms.

They never produced any evidence of this, but they acted as if it were a clearly established fact. As it turns out, Deputy Eng was referencing to a pending civil court case out of Lexington County Missouri (CASE# 13LF-CV00289) – this case was dismissed for lack of evidence.

SEE ACCOMPANYING VIDEO:

http://www.youtube.com/watch?feature=player_embedded&v=ZkGzG-NPou5

Judge Manoukian,

Little update. I called [redacted] yesterday afternoon and spoke to him regarding your issues or him posting propaganda about you on the internet. I explained to him, even though he has not committed any crime he is on the line of doing so. I asked him to look it up (5) 389, 422 and possibly 187. As soon as I mentioned 187 Mr. [redacted] became very defensive and started yelling that he would never consider such thing. I told him, that by sending your picture to Lawless America, he might have jeopardize your safety because the owner of that site Bill Windsor has made numerous threats to judges, posted pictures of himself carrying firearms.

I told [redacted] If Bill Windsor should ever come to this state and confront you, he could be partly responsible. Due to the fact he sent your picture to that site and posted where you live.

I told [redacted] he was sorry for the inconvenience and hung up.

I'm following up on the Lawless America website. I'll let you know as soon as I find something.

Deputy Robert Eng #1795

Deputy Eng was implying that it was my responsibility to physically prevent a film producer from coming to town, and trying to "criminalize" this media coverage.

This same sort of thing has happened repeatedly in case [redacted] and Santa Clara County Sheriff's department arrested me on two occasions because of media attention brought upon them by others & told me that I was to blame for it.

On both of those occasions, other organizations who had signed on to the same project had already claimed responsibility. I have no decision making power over these organization or other individuals for that matter.
Much more documentation is on its way.

I have court tomorrow afternoon, but will try to send something to you early in the morning and I can demonstrate this has been an ongoing pattern.

Thank you,
Correction: I was NOT a member of the organization. The spell checker on this device changes words.

On Nov 16, 2015 9:24 PM, [redacted] wrote:

Hello Brian, my original arrest was for an image created through a media organization that I was a member of. I had no decision making power over the organization's projects & have no influence over their policies, yet I am somehow being blamed for what they do.

Just because information was exchanged regarding the EAH Housing scandal, these fake records make it appear as if I am in control of these different organizations.

Since they were covering the story, they consulted with me on what had occurred and the roles played by different individuals.

This is no different than what any other media organization would do.

Detective Carroll fraudulently procured a search warrant for the conversation & fabricated the complaint and report to make it appear that I was somehow directing the activities of this organization.

It was not until after my arrest did I make contact with the organization's director. Prior to that, I did not even know who he was. One of their members had been covering the public guardian for years, so naturally he would be covering issues regarding the EAH Housing scandal.

If I did not know the director, and was not a member, then how can these bizarre reports claim that I have more influence over this organization than the director. who I never even had contact with.

It was clearly understood that if eah Housing stepped into the scandal, then they would step into the spotlight was already in place. I did not set up that spotlight. I kindly asked them to not step into it.

Since my criminal case stemmed from same scandal, others who participate such as Deputy Ridgeway will of course be exposed.

That was determined back in 2012 and I cannot turn back the clock. They were the ones who insisted on proceeding and I cannot be held responsible for their recklessly decision to not listen to reason.

They had nothing to lose by accepting our generous invitation to simply sit down with the team leaders to talk over problems, and figure out a way to resolve the conflict. This would have been a win-win situation.

Obviously there way did not work, yet I am being blamed for their poor choices.
Thank you

--------- Forwarded message ---------
From: [Redacted]
Date: Nov 16, 2015 8:00 PM
Subject: Deputy Robert Eng - Court Security
To: [Redacted]
Cc:

Hello [Redacted], here is copy of an email to Judge Socrates Manoukian from Santa Clara county sheriff deputy Robert Eng regarding a documentary film producer named Bill Windsor planning to film a movie about Judge Socrates Manoukian.

Deputy Eng held me responsible for the publicity, and told me that I could be charged with murder (penal code 187) & falsely stated that the film producer had made threats against judges and posted pictures of himself with fire arms..

They never produced any evidence of this, but they acted as if it were a clearly established fact. As it turns out, Deputy Eng was referencing to a pending civil court case out of Lexington County Missouri (CASE# 13LF-CV00289) — this case was dismissed for lack of evidence.

SEE ACCOMPANYING VIDEO:

http://www.youtube.com/watch?feature=player_embedded&v=ZkGzG-NPous

Judge Manoukian,
Little update. I called [Redacted] yesterday afternoon and spoke to him regarding your issues of him posting propaganda about you on the internet. I explained to [Redacted] even though he has not committed any crime he is on the line of doing so. He demanded I tell him what crimes he might be in violation of and wanted the penal code sections. I told him to look at 553 (a), 622 and possibly 187. As soon as I mentioned 187, Mr. [Redacted] became very defensive and started yelling that he would never consider such thing. I told him, that by sending your picture to Lawless America, he might have jeopardize your safety because the owner of that site Bill Windsor has made numerous threats to judges, posted pictures of himself carrying firearms.
I told [Redacted] if Bill Windsor should ever come to this state and confront you, he could be partly responsible. Due to the fact he sent your picture to that site and posted where you live.

[Redacted] told me he was sorry for the inconvenience and hung up.

I'm following up on the Lawless America website. I'll let you know as soon as I find something.

Deputy Robert Eng #795

Deputy Eng was implying that it was my responsibility to physically prevent a film producer from coming to town, and trying to "criminalize" this media coverage.

This same sort of thing has happened repeatedly in case [Redacted] and Santa Clara County Sheriff's department arrested me on two occasions because of media attention brought upon them by others & told me that I was to blame for it.
On both of those occasions, other organizations who had signed on to the same project had already claimed responsibility. I have no decision making power over these organization or other individuals for that matter.

Much more documentation is on its way.

I have court tomorrow afternoon, but will try to send something to you early in the morning and I can demonstrate this has been an going pattern.

Thank you,
Lt. Valenzuela, If internal affairs complaint was unfounded, then the San Jose City auditor must have made a huge mistake and you should probably notify them to let them know that they were imagining things that occurred leading to this audit, less than one month before case


Judge LaDoris Cordell was very involved in these developments, so was I, San Jose police chief Chris Moore, Lieutenant Richard Weger, Lieutenant Michael Knox and others. The reason was because of problematic behavior of officers like Robert Ridgeway, who had worked security at Markham Plaza and the Plant Shopping center across the street.

Not only did my work expel many of the problem officers from the Plant Shopping center and Markham Plaza, I also helped to change the problem policies that allowed these officers such as Ridgeway to misbehave the way that they did.

Why is it that Detective Carroll"s bizarre report shows a completely different picture these events?

Since you insist that you conducted a thorough and complete investigation confirming that the audit was wrong, then you should tell the San Jose police chief that he needs to check with sheriff Detective Carroll first because obviously Detective Carroll knows better how to run SJPD than the police chief.

How is it that you, or Detective Carroll have the audacity to claim that you understand these events better than those of who were there and actively participated?

Robert Ridgeway's fraud and the EAH Housing scandal did not make me look fool foolish, it made them look foolish.

How do you expect not appear foolish yourself by reconfirming things that are already proven false? How does that make you appear before the commission?

Did you ever stop to think of why they appear so foolish?

If your investigation was legitimate, and you had truly examined the evidence and interviewed the witnesses, it could not yield the results of unfounded, without claiming that the audit was wrong also. So therefore, you are claiming that the City auditor was wrong, Judge Cordell was wrong, that the chief of police was wrong, etc.

So you claim we were all wrong and Detective Carroll was right, yet Detective Carroll was the only one NOT INVOLVED.

How does Detective Carroll know more about these events than those who participated the events, and you claim HIS VERSION IS MORE ACCURATE THANOURS.
Don't forget that it was the residents of Markham Plaza who invited me there to advocate for protection of their rights from the abuses by property management and these officers violated the rights of the residents in violation of C 1503 (revised)

The residents selected me for a reason because they knew that I could do the job and because of my well established and proven track record

The audit results reconfirm that the residents chose the right guy, and if you look closely, you will see that my fingerprints are all over that audit and I pressed hard to drive those well needed reforms.

I have proven it with SJPD, and if you insist, I can easily prove it again with your department.

Detective Carroll was not engaged with the resident community the decision made by residents and their reasoning, and their reason for making these decisions is a major part of the reason why the audit occurred and yielded the resulted that if dud

You did NOT prove Detective Carroll was right and you did not un-prove the audit. The only thing you proved was your own incompetence, which helps explain the casualty rates of inmates and the public does not trust you!

My track record, competence and credibility has already been proven and my work has yielded tangible positive results.

So why do you claim to be better qualified to judge me, or claim I am behaving wrongly.

Leave me the alone and fix your damn department.
This is transcript of the VERY FIRST conversation that I ever had with Mr. Bassler.

This conversation occurred after my arrest. He was the director in charge of the project that led to my first arrest.

I had no decision making power this project or the organization. He reconfirmed in this transcript that he delegates projects to others. He had never delegated any projects to me & we had never spoken before.

After detective Carroll attached my name to Basslers project, and blamed me for it, they fabricated crime spike in SJPD Yellow-5, and blamed this on the project. San Jose Police Dept. confirms the crime spike did not occur.

Thank you,
Conversation started November 25, 2014

11/25, 8:25am
Thanks for the add. Much in common. [Name] is a good friend & we worked on several projects together.

11/25, 8:29am
**Jason Bassler**
Oh right on, thanks for friending me! Keep up the great work!

11/25, 11:33am
You too

11/26, 7:16am
What's your email?

11/26, 7:17am
**Jason Bassler**
[Name]

11/26, 7:50am
I can remember that (;

11/26, 7:50am
**[Name]**

11/26, 7:52am
I can remember that (;

12/3, 5:31pm
See your email? Is there # I can reach you?

12/3, 5:57pm
Hello?

12/7, 7:39am
**Jason Bassler**
Hello [Name], How you doing? Sorry, I have been extremely busy and about to go out of town. Hopefully you understand.

12/7, 5:40pm
Yes of course. (You sound just like [Name]) (;

12/7, 5:40pm
**[Name]**
is always going off on trips & back & forth

Jason Bassler
He seems like a busy guy.

I got railroaded bad & said to talk to you.

Jason Bassler
I am semi familiar with your story/case. Please forgive me we write 5-6 stories a day

I understand.
You do great job. ( I must have done good job too if they want me that bat to do what they did )

Jason Bassler
Yes, I understand
How can I help?

Can I call you?

Jason Bassler
I'm am waiting for a friend who should be here shortly for dinner. I actually just traveled all day to LA. Honestly now is not a good time.

Search warrant was issued for facebook comments.

Jason Bassler
I see. We will talk soon. If you'd like I can pass your story on to our writers and see if anyone wants to cover it. I don't write, but I do have writers who work on commission. They choose what stories to cover not me.
Please share this resource with the members of the Blue Ribbon Commission on Improving Custodial Operations:

A Country Called Prison: Mass Incarceration and the Making of a New Nation
(Mary Looman and John Carl - 2015)

The section called Summary of Proposals (p. 199) has many suggestions and recommendations for improvement that could also apply to County jail operations. Bibliography has many useful references, too.

I just started reading this and it is useful to me and others may find this true for them, too.

Thank you,
Gail Price
For tomorrow...

Sent from my iPhone

Begin forwarded message:

From: Patricia Gardner <PatriciaG@sycn.org>
Date: November 19, 2015 at 4:58:17 PM PST
To: Megan Doyle <Megan.doyle@bos.sccgov.org>
Subject: for the blue ribbon commission hearing

Megan

Here is our written comments for the Blue Ribbon Commission Meeting on Saturday. Please post or distribute which ever is the policy

Thanks
To: Santa Clara County Blue Ribbon Commission

As the Santa Clara County Blue Ribbon Commission to Improve Custody Operations continues to conduct its meetings, the Jail Reform Coalition would like to provide input on direction of the Commission’s inquiry. The Jail Reform Coalition is focusing on certain themes with informed partners to provide thoughtful and pragmatic recommendations and remedies.

We have highlighted some initial concerns that the Jail Reform Coalition finds imperative for the Blue Ribbon Commission to address. We have provided some fact sheets on:

1. Mental health services for inmates in custody
2. Review of the Inmate Welfare Fund
3. Improvements to programming and services within the jail
4. Review of inmate classification and grievance procedure

These reports include background information, links to past studies on our jails that were conducted by MGT, an independent consultation group, and our key areas of concerns. We believe that through exploring these areas and identifying necessary shifts within the jail system, that Santa Clara County can provide a safer, fairer and truly more rehabilitative environment for all inmates, especially those with mental health concerns. As we explore these topics further over the next few weeks, we will be developing specific recommendation suggestions to the Commission. In addition, we have experts and resources within our Coalition that are willing to provide testimony to the Commission.

We have also identified some additional areas of concern to consideration by the Commission for inquiry. Those are:

5. Training protocols for Staff, Correction Officers and Sheriff’s
6. Independent Oversight of the Jails

The Jail Reform Coalition is interested in the Commission review best practices that will produce a safer and more rehabilitative environment. We believe these 6 key focus areas should incorporate into
our inquiry. We believe recommendations from the Blue Ribbon Commission will produce new policies and identify integral shifts needed to foster more humane practices within the jails.

For more information contact SVCN at patriciag@svcn.org
1. Mental Health Services for Inmates in Custody

*Improvements to admitting protocol, including diversion and medication management*

**Background**

**Admitting Protocol**

Currently, inmates arriving at the jail are given a comprehensive health screening of their physical health, mental health, and substance issues. The arresting police officer must wait until it is determined that the inmate is appropriate for jail. Unfortunately, the only reasons for a person to be deemed inappropriate are physical health concerns. If the person has severe mental health needs, they are retained and directed to the 8A unit. There is no alternative, even if the person’s crime is primarily mental health related (i.e. disturbing the peace).

In addition, mental Health screenings and assessments are not always immediately completed during initial processing. This undermines the reality and severity of the mental health conditions faced by inmates entering the jail. To further complicate the processing protocol, the Jail does not have access to County health systems data and information on the inmate’s previous medical and mental history records. At best, this only lengthens the process for the inmate to receive the proper care and housing in order to begin the journey of rehabilitation. This is a growing problem as the amount of inmates with acute mental illnesses grows.

The effort and resources of the Jail are not accommodating this increasing population with mental health issues. As mentioned, inmates with severe or acute mental health needs are processed and housed in Unit 8A. Often there is not an adequate number of beds available in this unit. These beds are usually designated without reference to health records which are not often shared or considered when deciding treatment for an inmate

**Medication Management**

Medical history is often not available through the County Health portal EPIC or the Mental Health System-Concentrix. Therefore, even for inmates whose primary medical or mental health services are provided within the County system of care there can be an extremely long time before a person is assessed and medication is dispensed. This includes a range of medication from treatments for diabetes to psychotropic medications.

**Concerns**

- Improve the intake assessment of an inmate’s physical AND mental health medical history to ensure that an inmate is properly processed for his or her mental health issues
- Ensure direct access to County health and mental health record systems of Epic and Concentrix for diagnosis, medications, treatment plans etc.
- Review of the amount of time an inmate has to wait to be properly treated and to receive the appropriate mental health services and medications
- Link Custody Health with Outpatient Mental Health Service providers, allowing for inmates to provide consent for communication with their existing mental health provider to ensure continuity of services, medications and community connectedness.
Our coalition continues to review the behavioral health intersect within the jail but we also offer these key topics of concern:

A. Decrease the amount of time a person waits in custody to receive mental health as well as drug and alcohol services
   - Review the disconnect between the Custody Health Department and the Behavioral Health Department, to increase the effectiveness of the Jail’s ability to properly screen inmates and provide them with the proper mental health services after intake
   - Review the adequacy and number of acute mental health beds that are in block 8A
   - Review the bed usage and placement of inmates who need chronic and severe mental health issue treatment within the general population when 8A is at capacity

B. Provide Substance Abuse Treatment in Custody
   - Review the adequate and available substance abuse services provided to inmates beyond detoxification, and look at provision of services that addresses and treats the underlying addiction problem
   - Identify best practices for providing substance abuse treatment in a custody setting

C. Improve transition from the jails to the community
   - Assess the transition for mentally ill inmates leaving the jail and their ability to receive adequate outpatient services after release
   - Review the release of health records to providers upon release

D. Integrate services with co-occurring Mental Health and Substance Use needs
   - Develop integrated care models
   - Access, expand and utilize the current provider network and system for integrated aftercare and outpatient services.
2. Review of the Inmate Welfare Fund

Background

The Inmate Welfare Fund (IWF) is a state-defined fund whose proceeds are to be used “primarily for the benefit, education, and welfare of the inmates confined within the jail.” State and local policy requires that at least 69% of all IWF expenditures must be for “direct services,” which involve direct assistance for counseling, training and education of inmates. No more than 31% can be for “indirect services,” which are to support, administer or facilitate direct services.

In 2014, the Inmate Welfare Fund was audited by Harvey Rose Associates, which provided the following results about where the money comes from and how it is allocated:

1. IWF budget for 2015-16 is $3.70M
2. 98.5% ($3.64M) of the revenue is derived from commissions from telephone and commissary use all funded by inmate families and friends
3. Based on an average jail population of 3,600 inmates: the average fund “contribution” per inmate is $2.77/inmate/day, $83/inmate/mo
4. How is this money being used for the welfare of the inmates?
   a. 80.8% ($2.98M) for “Salaries & Benefits”
      i. Assignment Officer, Commissary & Programs Staff, IWF Fiscal & Admin Staff, Classification, Operations/Warehouse.
   b. 13% ($0.48M) for “Inmate Program & Service Contracts”
   c. 5.2% ($0.19M) for “Inmate Expenses”
      i. Athletic Equipment, Games, Grooming Equipment, Hot Water Pots, Inmate worker incentive beverages & meals, & Equipment repair.
   d. 1.3% ($0.05M) for “Operating Expenses”
      i. Office Supplies, IWF Audit, & Misc.
5. Where is this money being used?
   a. There are 14 Inmate Programs funded in full or in part by the IWF. Of these, 2 are offered at the Main Jail, 12 are offered at Elmwood. About 40% of the inmates are at Main Jail, 60% are at Elmwood. In other words, Main Jail generates about 40% of the IWF revenue, but only receives about 14% of the IWF-funded programming.

Concerns
• 80.8% of the Inmates Welfare Fund, of which 98.5% is provided by inmate families and friends, is used for salaries and benefits
• The Main Jail generates about 40% of the IWF revenue, but only receives about 14% of the IWF-funded programming
• The only source of this revenue are friends and family members of inmates
• Inmate telephone rates
3. Improvements to programming and services within the jail

Background

Issues related to Programming have been identified in three recent public studies. The first was the MGT Jail Needs Assessment/Facilities Study commissioned by Santa Clara County in 2014, with the final report being provided to the Board of Supervisors in December, 2104. Programming is primarily mentioned on pages 72-78 of this report. The second was an investigation conducted by the 2014-2015 Civil Grand Jury which reviewed the limited programming available to women at Elmwood. The third was an audit of the Inmate Welfare Fund (IWF) conducted by Harvey Rose Associates and published in December, 2014.

The MGT study found that “For the most part, those in-custody programs are delivered in the housing units and almost exclusively in Elmwood housing units”.

Those housed in a few pods in MJN are offered participation in some programs such as working on a GED, attending AA and NA groups when volunteers are permitted in, going to church services or bible study and participating in some programs that address topics such as trauma or parenting.

However, for the vast majority, the only program available is “Roadmaps to Recovery”, a journaling packet exercise.

The MGT study sites space as a limitation and sites the concern that programs are determined by the housing assignment made by the classification staff. They further state that, “Because the programs are delivered in large measure in housing units, the recipients of the programs are determined by the housing assignment made by the classification staff. The housing unit assignment is generally based on the inmates’ custody classification, not by the level of programming needs. As a result, inmates assigned to a housing area may have the same level of custody classification but could have many different levels of program needs and differing levels of risk to reoffend.”

The MGT study states that research on the relationship between inmate risk and inmate needs has demonstrated that the greatest benefit is achieved when program resources are targeted on those inmates in the high risk/high need category, with the least benefit being realized when targeted at low risk/low need inmates. Contrary to this evidence-based practice, SCC places the vast majority of its programming resources on low risk/low need inmates and very limited to no programs to high risk/high need inmates.

Concerns

- Programming based on classification needs review
- Programming for women in the Jail needs review for gender specific and relevancy
- The amount of days allowed for visiting per week
- Description of available inmate programs and the intended outcomes should be defined
- Program evaluations should be implemented to gauge impact and outcome from the inmates

November 2015
4. Improvements to Inmate Classification Protocol

The Jail Reform Coalition also feels concerned about the classification protocol in the Jail and the effectiveness of the current system in meeting the needs of each inmate.

Background

Issues related to Classification have been identified in two recent public studies. The MGT Jail Needs Assessment/Facilities Study commissioned by Santa Clara County in 2014, with the final report being provided to the Board of Supervisors in December, 2014). Classification is primarily mentioned on pages 87-93

The second was an investigation conducted by the 2014-2015 Civil Grand Jury how classification impacts women at Elmwood

Concerns

- Classification system is too complex and does not provide clear priority or weight to any area of the system
- Lack of objectivity and defined legal factors to identify custody and security requirements to offenders
  - Lack of specificity in scoring instructions
  - Lack of a full view of the inmate’s behavior and history
    - MGT states that 20% of inmates identified as maximum custody are classified that way due to their criminal charges, not their behavior.
- Classification memos in audits indicated that “staff coded many inmates incorrectly”. Basic policy and procedures have not been updated since April, 2008
- Lack of system automation and integration
  - Reliant on manual tracking
5. County Jail Oversight

In order to instill confidence in the complaint process involving the Sheriff’s Department and the Department of Corrections, an Office of Independent Auditor should be established to provide both independent oversight and investigation of complaints of misconduct.

Complaints of misconduct will be conducted by independent civilian investigators of the Independent Auditor’s Office. The Office of Independent Auditor may:

- Compel production of sheriff /department of corrections records
- Compel statements from officers
- Subpoena documents and evidence
- Subpoena witnesses
Megan Doyle

Received today at 2:06 p.m.

Forwarded message on behalf of Megan Doyle, Clerk of the Board.

Hey, how are you doing Megan, this is (inaudible) and I have input in grievances in for the fact that I am a (inaudible) inmate, and I believe that we need more mental health treatment and also more eligibility for us to deal with (inaudible) on SSI, SSI paperwork going on because the simple fact that we have doctors here, we have mental health staff here. All SSI needs is a letter verifying that we do take medication. I take a very, very powerful medication which is called (inaudible) for schizophrenic. What else...also, the simple fact that we don’t have our own unit in the, workers for Protective Custody. I was wondering, I was wondering if we can get our own dorm of mental health just like how they acted, have it, just cause we’re PC doesn’t mean, you know, we should be belittled and not have our own unit as well. And that’s about it. Thank you so much. I wrote the (inaudible) and they haven’t got back at me or nothing. If you could, can also help me out with maybe (inaudible) some information all about it, I would highly appreciate it. Thank you. God Bless. My PFN is (inaudible). Booking number (inaudible). (inaudible) PFN (inaudible). God bless you. Take care.
Hello [REDACTED]

I am sending copies of emails mostly regarding Santa Clara County deputy public defender, Amanda Parks's incompetent legal representation and her fraudulent motion to disqualify district attorney's office for your upcoming coverage on case: [REDACTED].

This also includes information from other victims.

I am also copying these correspondences to [REDACTED], and the honorable Judge Michele McKay McCoy to better enable her followup pursuant to [Canon 3(D)] - which requires her to take corrective action regarding Ms. Park's Misconduct.

Since this also involves Santa Clara County sheriff detectives David Carroll and Samy Tarazi, who the public defender's office has allowed to falsify police reports, and to harass and terrorize and endanger members of the public, I am also sending to Blue Ribbon Commission.
For more info, click here

Thank You,

"There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice ..."

- U.S. v. Jannotti, 673 F.2d 578, 614 (3d Cir. 1982)
Good morning Gary,

As I mentioned, I do not always handle anniversary dates very well.
Yesterday was anniversary of the day that [redacted] was found dead at Markham Plaza Apartments after Markham Plaza property management had used the FRAUD in case [redacted] to deny him accommodations pursuant to the American's with disabilities act.

It is an interesting coincidence to say the least, that assistant district attorney James Leonard was working "homicide" at the time of [redacted] death & that the transaction for document: [redacted] came only a few day's later on 11/16/12.

Thank you for your understanding, & please also understand that I have nothing but respect for you and for Ms.Cathcart.

[VICTIM [redacted]]

"There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice ..."

- U.S. v. Jannotti, 673 F.2d 578, 614 (3d Cir. 1982)

-------- Forwarded message --------
From: [redacted]
Date: Tue, Jul 21, 2015 at 6:26 PM
Subject: [redacted] - RE: PDO
To: [redacted]
Cc: david@streetlifeministries.org, Heini Schuppisser <HSchuppisser@momentumh.org>

Hi [redacted] The email below was sent to Amanda Parks regarding the false police reports & asking for information on status of investigation into the false police reports.

So far, the Public Defender's office has not been responsive on this. If the Public Defender's office does not follow up in response, we will be able to show incompetent legal representation and that Amanda is in violation of rule 3-110 and 3-5000 of the California Rules of Professional Conduct. (http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct.aspx)

See below:

Rule 3-110 Failing to Act Competently:

(A) A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence.
(B) For purposes of this rule, "competence" in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service.
(C) If a member does not have sufficient learning and skill when the legal service is undertaken, the member may nonetheless perform such services competently by 1) associating with or, where appropriate, professionally consulting another lawyer reasonably believed to be competent, or 2) by acquiring sufficient learning and skill before performance is required.
Rule 3-500 Communication:

A member shall keep a client reasonably informed about significant developments relating to the employment or representation, including promptly complying with reasonable requests for information and copies of significant documents when necessary to keep the client so informed.

If she DOES follow up, then by showing the police reports to be fraudulent will prove all of the court orders: "VOID" and unenforceable.

If she DOES NOT follow up, we can demonstrate that it was not my fault, but theirs because they failed to provide me with competent legal representation.

I will send the Case Law on this tonight or tomorrow.

Thanks again.

---------- Forwarded message ----------
From: [Redacted]
Date: Jul 21, 2015 10:47 AM
Subject: Status of Investigation / Penal Code § 118
To: "Amanda Parks" <amanda.parks@pdo.sccgov.org>
Cc: <tyler.haskell@bos.sccgov.org>, [Redacted]

Good morning Amanda.

I am emailing you to follow up on the progress and status of the public defender investigators assigned to the false police reports by Detectives Samy Tarazi and David Carroll which are in violation of California Penal Code § 118.

The report numbers are as follows:

[Redacted]

You had told me recently that an investigator would be interviewing [Redacted] and [Redacted].

Very early on in the case, I passed information over to Miguel Rodriguez regarding these falsified police reports so that this issue would be handled by a PDO investigator but so far, I still have not been contacted by the investigator(s) who Mr. Rodriguez passed the information to on IA complaint [Redacted] (or who was supposed to contact [Redacted]).

Is this the same investigator or someone different?

Please give me the name and contact person of investigator(s) assigned to the false police reports so that I may follow up with them on their status.

In order to receive adequate defense in case: [Redacted] This needs to be completed before the motion to disqualify District attorney is complete and before the upcoming VOP hearing.
Thank You.

On Jul 20, 2015 4:03 PM, "[redacted]" wrote:

Dear Ms. Parks,

I am writing to you regarding the prosecution of whistleblower in Santa Clara Superior Court. (Docket [redacted])

Due to the continued interest in [redacted] evidenced by those in the legal system in Santa Clara County, and given my understandings of what many believe is a wrongful prosecution, I went ahead and pulled up the financial transaction documents for both Supervising DA James Leonard and also Judge David Cena. There is concern now that either or both may be laundering funds (bribes and pay offs) through their home loans.

As you are the defense attorney representing [redacted], I am forwarding the documents culled from the Grantor Grantee index to you and am formally asking you to procure the loan and reconveyance records, in pursuit of an adequate defense for [redacted] in this unique high profile case.

The issue of home loans as a mechanism for paying off public officials is well known.

If you wouldn't mind also sending these documents on to me when you have procured them it would be most appreciated.

Thanking you in advance,

[redacted]

[redacted] has files to share with you on OneDrive. To view them, click the links below.

- cena, david.docx
- [redacted].docx
- leonard, james.docx
Hello

My name is [Redacted] and I loved your coverage on Santa Clara County about [Redacted]. I have important information to share with you on Case No. [Redacted].

The Public Defender's Office is helping The D.A. (James Lenard) with fabricated allegations to frame [Redacted].

[Redacted] also helped to expose and made a public statement of fact that Judge Arroyo marital relationship (married)

to The Publicly Defender Molly O’Neal.

[Redacted] exposed Judge Arroyo on Fraud and Corruption with my daughter's case No. [Redacted], and my son [Redacted] (Redacted),

Appeal now sits in Superior Court Of California,
I'm waiting for the appeals to review my case, I am waiting for the court to reverse what they had illegally done to my case and violated my civil rights.

Due to my Appellate Attorney Allison Cruz, SBN#160413, WILL NOT FILE A any PETITIONS ON MY BEHALF. 100 Doyle St Santa Cruz, CA 95062 (831) 420-0874, FAX (831) 425-0515.

She misrepresented my case, and was give a very short 3 days notice by letter that she’s not on my case and that I had to file a rehearing review in San francisco , and I had to make 8 copies ....I managed to file on time with The California Superior Court on time with the 3 days I was left with to deal with the appeals....Which I believe ....Judge Manuiakian’s wife, helped sabotage....I had 3 hearings with Soccarasie Maunukian, and he made over 50 transcripts disappear with my case with 115 Terraine St, San Jose, CA 95110 (408) 491-4700

Please view video links:
(Add links)

link 1: Santa Clara County Corruption Exposed 1

link 2: Santa Clara County Corruption Exposed 2

Link 3: Girl Exposes CPS 1

link 4: Girl Exposed CPS 2
I am concerned about the motion C Disqualify DA and I do Not believe that she is trustworthy.

Thank You For Your Time,

Warm Regards,

On Facebook: https://www.facebook.com/courruptioninsantaclaracounty?ref.hl

CASE # [REDACTED], and my son’s case HO…… (I’ll e-mail the details later)
6th District Court of Appeal
is now waiting in San Francisco Court, appeal for rehearing was filed over a year ago. I had completed my case plan and had proved it in small claims court and won the case against Santa Clara, I had filed an enforcement judgment ……

i have a contempt case against the program director Sallie Dannenberg DBA New Beginnings, …Who, covered up for CPS, and I exposed her.

June 2nd, 2015
191 N. 1st San Jose Ca 95113, Department 2 …3:00 pm
Case Name: [REDACTED] v. Sallie Danenberg dba New Beginnings Case No.: [REDACTED]

here in the tentative ruling and moving forward to 1st CMC
on June 2nd @ 3:00 pm in dept.2 with Judge Lucas

V. S.DANENBERG DBA NEW BEGINNINGS:
Demurrer by Defendant Sallie Danenberg dba New Beginnings to Plaintiff’s Complaint

On July 13, 2012, plaintiff [name redacted] filed a small claims [action, Santa Clara County Superior Court case no. [redacted] (“Small Claims Action”),] to obtain certifications of completion for (1) 52 weeks of parenting; and (2) 52 weeks of D.V. from defendant Sallie Danenberg dba New Beginnings. (Complaint, p. 6, lines 17–27.)

On or about October 26, 2013, the court issued a judgment in the Small Claims Action in favor of [name redacted] for specific performance. The judgment stated:
1. Plaintiff shall make final payments and complete remaining obligations pursuant to the contract with Defendant.
2. Upon Plaintiff’s completion of #1 above, Defendant shall deliver certificate of completion to the Plaintiff.
3. The Court finds no violation of the terms of the protective order in effect on the date of Plaintiff’s alleged violation.

Plaintiff subsequently made a motion to enforce the judgment which came before the court in the Small Claims Action on July 17, 2013. The court granted plaintiff’s motion to enforce the judgment and made various findings including, but not limited to the following: “plaintiff ... has completed all of the requirements and obligations imposed on her by her contract with defendant; plaintiff was obligated to pay [defendant] only $40, but that defendant wrongfully demanded payment of $165; [plaintiff] is entitled to a Certificate of Completion of the Domestic Violence program; [defendant shall] pay to [plaintiff] $125 plus interest at ten percent (10%) per year from February 27, 2013, until paid as reimbursement for the overcharge.”

On February 4, 2015, [name redacted] filed the instant action purportedly seeking to hold defendant Danenberg in contempt for failing to comply with either the October 26, 2013 judgment or the July 17, 2013 court ruling in the Small Claims Action in that Danenberg has failed to provide plaintiff with certificates of completion.

On March 19, 2015, Danenberg filed the motion now before the court, a demurrer to plaintiff’s complaint. On April 3, 2015, plaintiff filed opposition to the demurrer. On April 22, 2015, plaintiff filed “revised & correct[ed]” opposition to the demurrer.

III. Requests for Judicial Notice

In support of its demurrer, Danenberg requests judicial notice of “all pleadings filed in Santa Clara County Superior Court case no. 1-13-CV-245353.” Danenberg attached a copy of the docket from that action to her request for judicial notice.

In opposition, plaintiff requests judicial notice of “all pleadings [filed] in” the Small Claims Action.

Both requests are defective in that they fail to comply with California Rules of Court, rule 3.1306, subdivision (c) which requires, “A party requesting judicial notice of material under Evidence Code sections 452 or 453 must provide the court and each party with a copy of the
material. If the material is part of a filed in the court in which the matter is being heard, the party must: ... (2) Make arrangements with the clerk to have the file in the courtroom at the time of the hearing.” Neither party has made any arrangements to have the respective files brought to the courtroom at the time of the hearing.

Consequently, the requests for judicial notice are DENIED.

IV. Defendant Danenberg’s demurrer to the complaint is OVERRULED.

“Collateral estoppel is a doctrine which prevents relitigation of issues previously argued and resolved in a prior proceeding. [Citation.] In order to apply this principle: (1) the issue must be identical to that decided in the prior proceeding; (2) the issue must have been actually litigated in the prior proceeding; (3) the issue must have been necessarily decided in the prior proceeding; (4) the decision must have been final and on the merits; and (5) preclusion must be sought against a person who was a party or in privity with a party to the prior proceeding. [Citation.]” (Alvarez v. May Dept. Stores Co. (2006) 143 Cal.App.4th 1223, 1233 (Alvarez).) “In deciding whether to apply collateral estoppel, the court must balance the rights of the party to be estopped against the need for applying collateral estoppel in the particular case, in order to promote judicial economy by minimizing repetitive litigation, to prevent inconsistent judgments which undermine the integrity of the judicial system, or to protect against vexatious litigation.” (Alvarez, supra, 143 Cal.App.4th at p. 1233.)

Danenberg argues first that is collaterally estopped from asserting this action because it seeks to relitigate issues which has already asserted in another action, v. Danenberg, Santa Clara County Superior Court case no. where the court purportedly sustained plaintiff’s complaint without leave to amend. In light of the ruling above denying the request for judicial notice, the court cannot determine whether the issues in this action are identical to the prior proceeding, whether the issues have been actually litigated in the prior proceeding, whether the issues have been necessarily decided in the prior proceeding, whether the prior proceeding has been finally decided on the merits; or even whether the person against who preclusion is being sought was a party or in privity with a party to the prior proceeding.

As a second basis for demurrer, Danenberg argues that the complaint is uncertain. Although Danenberg acknowledges plaintiff’s complaint seeks an order to show cause for contempt, defendant Danenberg contends the complaint is uncertain because it does not state a cause of action. “[T]he filing of a sufficient affidavit is a jurisdictional prerequisite to a contempt proceeding.” (Koehler v. Superior Court (2010) 181 Cal. App. 4th 1153, 1169.) Code of Civil Procedure section 1211 “requires that an affidavit be presented to the judge reciting the facts constituting contempt.” (Ibid.)

“A demurrer for uncertainty will not lie where the ambiguous facts alleged are presumptively within the knowledge of the demurring party. [Citations.] A special demurrer should not be sustained if the allegations are sufficiently clear to apprise the defendant of the issues that must be met, even if the allegations of the complaint may not be as clear and as detailed as might be desired. [Citations.] . . . [a] demurrer for uncertainty will not lie as to even uncertain and ambiguous allegations, if such allegations refer to immaterial matters. In such event, they will be treated as surplusage and disregarded. [Citations.]” (Gonzales v. State of California (1977) 68 Cal.App.3d 621, 631.) “A demurrer for uncertainty is strictly construed,
even where a complaint is in some respects uncertain, because ambiguities can be clarified under modern discovery procedures.” (Khoury v. Maly’s of California, Inc. (1993) 14 Cal.App.4th 612, 616.)

It is evident that, by her complaint, plaintiff [redacted] seeks an order to show cause re contempt. Moreover, defendant Danenberg did not properly identify uncertainty as a basis for her demurrer. (See Cal. Rules of Court, rule 3.120, subd. (a).) Defendant’s notice of demurrer identifies failure to state a cause of action as its only ground for demurrer. Accordingly, defendant Danenberg’s demurrer to plaintiff [redacted]’s complaint on the ground that the pleading does not state facts sufficient to constitute a cause of action [Code Civ. Proc., §430.10, subd. (e)] is OVERRULED.

https://www.facebook.com/courruptioninsantaclaracounty?ref&_h

On Mon, Sep 7, 2015 at 8:44 PM, [redacted] wrote:

[redacted] according to News reports, the FBI is opening an investigation / inquiry into the Sheriff’s department in relation to these three sheriff deputies [redacted] charged with murder:

[redacted]

I think we have acquired sufficient evidence to show that the Santa Clara County Public Defender's office has suppressed information & credible reports about Sheriff Deputies like these, including Detective David Carroll and Samy Tarazi endangering members of the public.

I think if we coordinate this correctly, we can widen the scope of the US Dept. of Justice Probe.

Please call when you can.

Thanks,

[redacted]

On Jul 21, 2015 10:44 PM, [redacted] wrote:
Hello.

Around 4:30 this afternoon, I spoke with Jena McLemore, Chief Investigator from the Santa Clara County Public Defender's office regarding the status of the investigation into the false police reports by Detective's David Carroll and Samy Tarazi, each of which are in violation of California Penal Code § 118. The police report numbers for these false reports are listed here: [link]

I informed Ms. McLemore of that in January or February of this year, an internal affairs complaint was filed regarding the falsified police reports and that the Santa Clara County internal affairs case number is [redacted].

Each allegation to this complaint has been forwarded to the Santa Clara County Public Defender's office, which has a team of approximately 30 investigators who's responsibility is to investigate these false police reports and to scrutinize every single statement in these reports.

The false statements in these reports are so obvious and blatant that it appears that detective's Carroll and Tarazi are fully expecting and planning that the Public Defender's office WILL NOT RESPOND TO THESE FRAUDULENT POLICE REPORTS and are behaving as if the Public defender's office are giving them the GREENLIGHT TO CONTINUE to lie in these reports.

Each of these reports have been done under the supervision of Santa Clara County Sheriff Lieutenant Elbert Rivera and directed by assistant district attorney James Leonard.

Today, Ms. McLemore informed me that she cannot find any record of any investigation into these false police reports, despite the fact that it has been approximately 7 months since IA case# [redacted] and it was made clear to Public defender Molly O'Neal and Miguel Rodriguez that each allegation to case# [redacted] was to be copied to attorney case file to [redacted] and also forwarded to the PDO investigators so that they could follow up on this fraud, and provide me with the competent legal representation that was promised to me and that I deserve.

The Santa Clara Public Defender's office knows that each of these police reports are in violation of California Penal Code § 118, which renders these documents FRAUDULENT.

Since these documents are fraudulent, and fraud was committed in the procurement of jurisdiction, the court orders from this case are "VOID"

Fredman Brothers Furniture v. Dept. of Revenue, 109 Ill. 2d 202, 486 N.E. 2d 893(1985)

It is serious misconduct for a prosecutor such as James Leonard to partake in such fraud and to withhold exculpatory evidence like he has done in this case.
If Prosecutorial Misconduct such as this is so egregious and serious, how much more serious is it when it is endorsed and facilitated by defense attorneys?

Unfortunately, Deputy Public Defender Amanda Parks is unprepared to proceed with the motion to disqualify the Santa Clara County District Attorney's office and my upcoming VOP hearing because the investigation by the PDO investigators has still not been completed and there is no response from her on the discovery motions I have requested regarding the Whistleblower complaint, and the harassment by Santa Clara County Sheriff detective David Carroll which was (and still is) in CLEAR VIOLATION OF COUNTY BOARD POLICY 3.8

Please assist me in following up with the Public Defender's office in correcting these improprieties so that this case can proceed and justice can be served.

Unfortunately, instead of proceeding an a manner consistent with truth, they appear more concerned with maintaining consistency to the fake court record, with no regard to the pain, harm and suffering they inflict on innocent people.

The further they proceed with their fake court record, the further they will continue to drift from reality.

Unfortunately, I need your help, and the help of others to bring them back on course, because they don't appear to understand that the record must and will be set strait.

Respectfully Submitted,

[Redacted]

[Redacted]

P.S. These False Police Reports are Fraudulent Procurement of Jurisdiction rendering ALL court orders to case [Redacted] "VOID"

On Jul 21, 2015 10:47 AM, "[Redacted]" wrote:

Good morning Amanda.

I am emailing you to follow up on the progress and status of the public defender investigators assigned to the false police reports by Detectives Samy Tarazi and David Carroll which are in violation of California Penal Code § 118.

The report numbers are as follows:

[Redacted]
You had told me recently that an investigator would be interviewing [redacted] and Tim Cook.

Very early on in the case, I passed information over to Miguel Rodriguez regarding these falsified police reports so that this issue would be handled by a PDO investigator but so far, I still have not been contacted by the investigator(s) who Mr. Rodriguez passed the information to on IA complaint [redacted] (or who was supposed to contact [redacted]).

Is this the same investigator or someone different?

Please give me the name and contact person of investigator(s) assigned to the false police reports so that I may follow up with them on their status.

In order to receive adequate defense in case: [redacted] This needs to be completed before the motion to disqualify District attorney is complete and before the upcoming VOP hearing.

Thank You,

[redacted]

On Jul 20, 2015 4:03 PM, [redacted] wrote:

Dear Ms. Parks,

I am writing to you regarding the prosecution of whistleblower [redacted] in Santa Clara Superior Court. (Docket [redacted])

Due to the continued interest in [redacted] evidenced by those in the legal system in Santa Clara County, and given my understandings of what many believe is a wrongful prosecution, I went ahead and pulled up the financial transaction documents for both Supervising DA James Leonard and also Judge David Cena. There is concern now that either or both may be laundering funds (bribes and payoffs) through their home loans.

As you are the defense attorney representing [redacted] I am forwarding the documents culled from the Grantor-Grantee index to you and am formally asking you to procure the loan and reconveyance records, in pursuit of an adequate defense for Mr. [redacted] in this unique high profile case.

The issue of home loans as a mechanism for paying off public officials is well known.

If you wouldn’t mind also sending these documents on to me when you have procured them it would be most appreciated.

Thanking you in advance,
Hello Amanda. In addition to the other corrections to the motion to disqualify the District Attorney's office, I concerned of another statement you made which to a degree, is misleading.

In the motion, you stated that I had admitted to a probation violation. This, as you are aware was due to my being misled by Mr. Thomson Sharkey who told me that it was a violation of probation to publish a news article about the facts of the case if bringing attention to the acts of fraud by assistant DA James Leonard caused him embarrassment.

After I was released, I met with Mr. Davis who showed me the terms of probation and it was made clear in these these terms that I absolutely did not violate probation and the court record should accurately reflect this fact.

If the court record states otherwise, then this again is clear evidence that the prosecution is cheating & creating false records.

When the motion is complete, it needs to clearly reflect the facts. Currently, the motion contains several inaccuracies that need to be corrected before the motion is heard.

Some examples:

I have never published material speaking negatively about deputy Ridgeway's role as Police officer.

I have never published images "targeting" the assistant DA James Leonard.

Before this motion is heard, these errors must be corrected and every line of the motion must be initialed with my approval.
If these corrections are not made, then the motion to disqualify the District Attorney’s office may not be heard.

The final draft of the motion must reflect the facts of the case and not be a seamless continuum of this malicious & fraudulent court record: [Redacted]

Thank You,
[Redacted]

---------- Forwarded message ----------
From: Heiri Schuppusser <HSchuppusser@momentummh.org>
Date: Wed, Jul 8, 2015 at 1:34 PM
Subject: RE: Heiri Shipper - Request for assistance
To: [Redacted]
Cc: "Goodman, Gary" <Gary.Goodman@pdo.sccgov.org>, Heiri Schuppusser <HSchuppusser@momentummh.org>

[Redacted] just CC.. P.D. Gary Goodman at your request. Our meeting with me is July-14th at 9:30am @ 206 South California Ave in Palo Alto.

From: [Redacted]
Sent: Wednesday, July 08, 2015 1:12 PM
To: Heiri Schuppusser
Cc: ggoodman@pdo.sccgov.org; tyler.haskell@hos.sccgov.org
Subject: Heiri Sheppusser - Request for assistance

Dear Heiri. Please assist with setting up a meeting with Mr. Gary Goodman to meet with the Staff of Santa Clara County Supervisor: Joe Simitian to address the false police reports written by Santa Clara County Sheriff Detective’s David Carroll and Samy Tarazi.

I am able to go over each and every line of these police reports and I am able to demonstrate specifically how each statement made is false, fabricated or misleading.

The Santa Clara County Public Defender’s office has a team of investigators who’s duty is to follow up on matters such as these, but for whatever reason, they will not do so and the Santa Clara County Sheriff’s Department continues to harass and terrorise myself and [Redacted] in clear violation of Santa Clara County Board Policy 3.8 - By not following up on these false police reports, the Public Defender’s office is technically granting them permission to continue
writing more false reports and until then, we remain as their hostages and will continue to harass and terrorise us

Thank You,

---------- Forwarded message ----------
From: [redacted]
Date: Jul 8, 2015 12:48 PM
Subject: ATT: Tyler Haskell (BOS) - Request for assistance
To: <tyler.haskell@bos.scgov.org>, BoardOperations <BOARDOPERATIONS@cob.scgov.org>, Joe Simitian <joe.simitian@bos.scgov.org>

Dear Ms. Haskell, I respectfully ask for the assistance of someone from the office of County Supervisor Joe Simitian to please assist in this situation.

The California Government Code expressly makes clear that the board of supervisors is responsible for overseeing the activities of the Public Defender's office and the Santa Clara County Sheriff's department and Rule 3-110 (California Rules of Professional Conduct) makes clear that members of the State Bar are responsible for the incompetence of attorney's acting under their supervision.

The Public Defender's office is denying me access to their team of investigators who's responsibility is to investigate matters such as the false police reports by detective's Samy Tarazi and David Carroll which are criminal acts in clear violation of California Penal Code 118.

Instead of prosecuting these CLEAR violations of Penal Code 118, I believe that the district attorney's office is issuing the directives for these officers to commit this violations. (See rule: 3-210)

Additionally, detective David Carroll put a fake San Jose Address on my booking papers, despite the clear and well established fact that I have been residing in Palo Alto for many years. I believe he did this to railroad this case into department 42 with certain attorneys from DA and PDO who had pre arrangements to mishandle this case. (redacted)

Please assist and advise,

Respectfully,

[redacted]

http://www.uglyjudge.com/santa-clara-county-california-government-conspiracy-exposed-police-falsified-reports-to-frame-whistle-blower-
[redacted]
Joe, please help me by following up with the Public Defender's office. Amanda Parks, for the most part is doing a fantastic job in representing me, however, I am being denied access to their team of investigators who's responsibility is to follow up on false police reports such as those written by detective's Samy Tarazi and David Carroll.

I have been petitioning them to do this for months and they will not, and the Sheriff's department continues to write false reports because no one is stopping them.

Because of their failure to do this several months ago, before Amanda Parks became my attorney, the information in these false police reports is being carried over into the motion to disqualify the district attorney's office under "DECLARATION OF FACTS" and now, the the motion cannot be submitted to the court because it is contaminated with the residue of the false police reports, and other fraud committed by Assistant District Attorney, James Leonard.


Thank You,
being allowed to crank out these false police reports as if they are on an assembly line. There are NO checks and balances in place to stop them and it appears they are doing this with the FULL EXPECTATION that the Public defender's office WILL NOT INVESTIGATE and I feel that I am wrongfully denied access to this public service.

This belief has been confirmed by past experiences such as an email from Miguel Rodriguez refusing to include supplements from the Internal Affairs complaint in attorney file and he refused to pass this information over to the PDO investigators.

On October 16th of last year, your colleague, Jeffrey Dunn even threatened that if the case was brought to appeal, then the jury would be tampered with to AGREE WITH DETECTIVE CARROLL'S FALSE POLICE REPORTS which fabricated events pertaining to U.S. Congressional Investigation to appear like an anti Government Terror Campaign.

As it stands now, I remain in a very dangerous and vulnerable situation because the Sheriff's department can simply write ANYTHING THAT THEY WANT.

If the Public defender's office allows them to misrepresented a congressional investigation as an Anti government Terror Campaign, then there is NOTHING STOPPING THEM from arresting me for holding a plastic spoon, and calling the plastic spoon a SWORD OR MACHETE. It does not matter if there are hundreds of witnesses present if the Public defender's office will not follow up with these witnesses.

If is ALSO IMPERATIVE on your end also because of the revisions that need to be done to the Motion to disqualify the district attorney's office. The court date is rapidly spot approaching and you understand that the motion may not be used in court until your errors are corrected. This cannot be done until investigators are assigned to go over and scrutinize EVERY STATEMENT AND WORD IN THESE REPORTS.

To your credit, your representation has been phenomenally awesome compared to any other PDO attorney who has handled this case, but until the issue is addressed and resolved with the false police reports, I cannot acquire adequate employment or housing and I am forced to live a life of constant fear, and also, the motion to disqualify the district attorney's office will be adequate to be heard by the court.

Please assign investigators to the the false police reports so that the errors made in your motion may be corrected and we may proceed with the case.

You may check with Miguel Rodriguez on these issues as I have brought them to his attention and by now, he should have taken corrective action as required pursuant to Rule 3-110 of the California Rules of Professional Conduct.

Thank you,
Your honor,

In respect to Canon 3(D), please be advised that on October 16th of 2014, assistant DA James Leonard directed Sheriff Deputies to seize these documents which are mainly copies of emails between myself and Deputy Public Defender, Jeffrey Dunn.

These records show that assistant DA James Leonard was also supposed to turn over all exculpatory evidence. Neither the attached emails or the exculpatory evidence was entered into court record and I was arrested on a fabricated probation violation which would not have been possible, had these improprieties not occurred.

It was made clear to Amanda Parks that the Motion to disqualify DA not be submitted until this exculpatory evidence was included, which would have course had to show that the police reports were falsified and the County was in violation of Board Policy 3.8.

Please follow up pursuant to Canon 3(D).

Respectfully Submitted,

---------------- Forwarded message ----------------
From: South Bay Advocacy
Date: Fri, May 22, 2015 at 9:20 AM
Subject: Raj
Hi Raj. I filed internal affairs complaint against detectives Carroll and Tarazi and copied each allegation to public defenders office requesting all info from IA case: [Redacted] be included in attorney file for: [Redacted]

It does not appear that PDO is including this in my attorney file & the info in police reports does not meet criteria of federal rules of evidence & California evidence code to legally be submitted into court record, yet they are allowing it anyway.

This is getting carried over to State Attorney General's office with motion to disqualify & state attorney general is preparing response.

They are not investigating false reports and fabrication of probable cause.

--------- Forwarded message ---------
From: South Bay Advocacy Network [Redacted]
Date: Wed, Jun 10, 2015 at 3:13 PM
Subject: Amanda Parks - AG Case: [Redacted]
To: amanda.parks@pdo.sccgov.org
Cc: joyce.blair@ag.ca.gov

Hello Amanda,

I have followed up with the State Attorney General's office and learned that the Attorney General Case number is [Redacted] and the prosecutor is Joyce Blair. - regarding the motion to disqualify the Santa Clara County District Attorney's office.

As I made clear to Kelly Kulick, this motion may not be filed or heard until I have authorised so in writing and every line of the motion must be initial each line BEFORE this is filed and heard.

Additionally, this is a Palo Alto case - NOT a San Jose case. Detective David Carroll put a fake address on the booking papers to railroad this case into San Jose.

I reside in Palo Alto and the "alleged" crime occurred in Palo Alto. Therefore, this motion, once the errors are corrected, is to be heard in the Palo Alto court house at 270 Grant Ave.

You submitted the Police reports as exhibits, but you had forgotten to mention the fact that these police reports - all of them were fraudulent.
Respectfully,

(Victim of Malicious Prosecution)

-------- Forwarded message --------
From: South Bay Advocacy Network
Date: Thu, Jun 4, 2015 at 3:27 PM
Subject: Amanda Parks - Request for Motion (DOCKET: [redacted])
To: amanda.parks@pdo.sccgov.org
Cc: [redacted]

Hello Amanda,

In regards to case: [redacted] I request that a motion be filed to require the prosecution to answer under oath that he has turned over all exculpatory evidence and also to answer under oath as to whether or not all of the information in the police reports is true and accurate.

I also request that detectives David Carroll, Samy Tarazi and deputy Ridgeway each be cross examined on the statements that were made in the reports. (See allegations to internal affairs complaint: [redacted], each of which are to be included in the attorney case file to docket # [redacted])

Thank You,

(Would also like copy of court transcript for this)

-------- Forwarded message --------
From: South Bay Advocacy
Date: Tue, Jul 28, 2015 at 4:58 PM
Subject: Re: VOP Hearing
To: Amanda Parks <amanda.parks@pdo.sccgov.org>

Hello Amanda,

About 7 months ago, information about the false police reports (IA CASE [redacted]), and the Prosecutorial misconduct in Case: [redacted] has been given to Miguel Rodriegaz with the clear understanding, that the information would be forwarded to the investigators. They have had time
to complete the investigation, and sustain my allegations of falsified reports and Prosecutorial misconduct.

If the findings are not returned as "SUSTAINED", either proper procedure was not followed, or it was completely bypassed.

You explained that you had a reason for suppressing the exculpatory evidence and for putting false/fabricated information into the "Motion to disqualify District Attorney" but you did not explain to me what the reason is for doing this, and I cannot understand how this could possibly benefit me.

As it stands now, I do not understand how we are to proceed with VOP hearing without these findings, because without these findings, there are now "two trajectories"

The first trajectory is the real factual events.

The Second Trajectory is the fictional court record.

There should only be one trajectory and by having two trajectories is like following more than one procedure or traveling two roads at the same time.

We cannot bring these two trajectories onto one course without first resolving the "differential equation" which can only be done by addressing the false police reports and fake court record.

I believe that if Miguel Rodriegaz had done this 7 months ago, then the "Motion to Disqualify District Attorney" would not have had all of the inaccurate information, which is "contaminated residue" from the false police reports, etc.

The Sheriff's Department has strict policy against police reports like this and are also a crime.

Since the Sheriff's Department does not follow their policy against writing false police reports, should not the Public Defender take EXTRA PRECAUTIONS on investigating these reports?

Since the differential equation between fact and fiction is unresolved, I request that that pursuant to Federal Rules of Evidence 611 and California Evidence Code 952, that I am not cross examined or asked to testify regarding any statements in the police reports or the court record because it is factually impossible to do so.

I should think this applies to FRE 611 (a)(1), FRE611(a)(2)

And also FRE(b) because the scope of cross examination should not go beyond the matter.
It is factually impossible to testify about fake, fabricated and imaginary events.

Thank You,

A differential equation is a mathematical equation that relates some function with its derivatives. In applications, the functions usually represent physical quantities, the derivatives represent their rates of change, and the equation defines a relationship between the two. Because such relations are extremely common, differential equations play a prominent role in many disciplines including engineering, physics, economics, and biology.

In pure mathematics, differential equations are studied from several different perspectives, mostly concerned with their solutions—the set of functions that satisfy the equation. Only the simplest differential equations are solvable by explicit formulas; however, some properties of solutions of a given differential equation may be determined without finding their exact form.

---------- Forwarded message ---------
From: [Redacted]
Date: Thu, Jul 23, 2015 at 10:18 AM
Subject: [Redacted] (& too)
To: [Redacted]
Cc: [Redacted]

Hello [Redacted] The County Executive's office oversees the Public Defender and the District Attorney's office and it is the County Executive's office which has direct interest in preserving the false police reports.

Detective David Carroll became involved because the County Counsel would not follow their policy & Procedure for handling whistleblower complaint.

Instead of handing the whistleblower complaint to the County Executive as policy mandates, County Counsel Orry Korb dispatched detective David Carroll to stalk us, harass us and terrorise us.

Please call me when you have a chance. [Redacted]

Thanks,
Good Morning Amanda.

Thank you for your voicemail yesterday at 3:43 P.M. explaining to me that something said by Ms. McLemore may have been taken out of context during her phone call to me yesterday morning at 11:55 A.M.

To avoid anything being taken out of context, can you please explain in writing what will be done and what will not be done in regards to the investigation request.

I would think that the falsified police reports created by Detectives Tarazi and David Carroll would be the most important focus at this time because these reports were in fact fraudulent and used to procure jurisdiction in court which had no jurisdiction.

These false police reports will also be critical focal point in the Federal Lawsuit which is being prepared against the Santa Clara County Sheriff's department and the offending officers.

In the conversation I had yesterday with Gary Goodman at 4:46 P.M., he expressed that it is important to not email too much regarding these issues and I respect this. By the same token however, it is very important that an accurate record is kept of events and correspondences and also so nothing is taken out of context.

I would think that this would be especially important due to the fact that all of the police reports so far are fraudulent and they do not represent a truthful account of events that occurred.

To avoid anything being taken out of context, please explain in writing to me what will be investigated and what will not be investigated and the reasons for each.

At this point, I cannot see a valid reason for not investigating the false police reports, especially since they are included in the motion as "Exhibits" and false information is included in the "Declaration of Facts" to the 7/31/15 Motion to disqualify the district attorney's office.

I understand that you must be under some pressure from the County Executive's office, since they are the ones that were supposed to have handled the whistleblower complaint, which resulted in detective Carroll's original false police report.
Please understand however, that I am under pressure also, and the harassment by these officers has been going on for a very long time and this of course is worsened by these false police reports.

Respectfully Submitted,

---------- Forwarded message ----------
From: California Relay
Date: Tue, May 26, 2015 at 6:29 PM
Subject: Re: Probation Conditions - CASE:
To: amanda.parks@pdo.sccgov.org <amanda.parks@pdo.sccgov.org>
Cc: "amanda.parks@pdo.sccgov.org" <amanda.parks@pdo.sccgov.org>

Another thing that they are doing is fabricating violations that didn't happen & the police involved keep writing false police reports with outright lies.

They are so blatant and obvious a it as if they are expecting that the PDO won't do anything about it and they don't. Then the PDO took the false information in the police reports and patched it into the motion to disqualify the district attorney's office trying to say that the DA is named a victim and it is conflict of interest.

This is true in a sense that it is a conflict of interest but he is absolutely not a victim whatsoever. James Leonard is the instigator for this whole thing and he is probably the one giving the Sheriff's department the greenlight to fabricate this crap and telling them to write false police reports. The public defender has a big team of investigators for this but they just keep on ignoring it and this tells the sheriff's department that it is OK to just make stuff up and lie all they want.

27.05.2015, 00:29, [Contact Name]
> Looks to me like they are "out to lunch". How is he a "victim" because he is embarrassed? Makes no sense at all. Probably should be embarrassed. Probably has not sued for libel because truth is a defense.
>
> Clearly looks like violation of your 1st Amendment right of free speech.
>
Again, I do not know enough of the facts (all!) to advise properly, but that is my reaction.

File for an Injunction to prevent enforcement of the conditions? Unless there is some Court Rule specifying otherwise. For example, in Delaware (Rule 35 b) one can Move to Modify a condition of probation "at any time", and that is exactly what I would do, arguing that it clearly is illegal.

can you please send any donation? I am in a financial pickle again!

On Tue, May 26, 2015 at 4:03 PM, South Bay Area wrote:

Hi Amanda. The case law below applies to the CR 161 restraining order filed on 10/31/14 & from what I understand should invalidate the additional condition of probation established on that date. (Mr. Leonard calling himself a victim because he was embarrassed by news article informing the public about the facts of the case & & Leonard's suppression of exculpatory evidence then filing fake CR-161 to retaliate against me)

If the probation condition prohibits otherwise legal activity, and is not reasonably related to the crime committed or to future criminality, it will be declared invalid. (See People v. Fritchey (1992)

A probation condition that infringes upon constitutional rights is subject to special scrutiny. Such a condition must be narrowly drawn and constitute the least restrictive means to serve the dual purposes of rehabilitation and protecting public safety. (People v. Pointer (1984) 151 Cal.App.3d 1128, 1139; In re White, supra, 97 Cal.App.3d at 148.)

Overbroad restrictions upon a defendant's constitutional rights are not permitted.

(People v. Pointer, supra, 151 Cal.App.3d at 1136-11.

I wanted to suggest that since the conditions imposed against me are invalid, it may be better to "attack" the invalidity of the probation conditions imposed by "the court"

Thank you,

MAKE it a day!

All the best,
Hello Amanda, in your voicemail to me yesterday at 3:43 P.M., you had asked me to give you a call so that you could clarify what would be done and what would not be done in regards to investigation request and the police reports created by Santa Clara County Sheriff Detective's David Carroll and Samy Tarazi to case: [redacted]

I would prefer that you please email me this information, and if there are any questions, then I will call you for clarification.

These false police reports and harassment are crimes, and I am a victim of these crimes. Unless something is done about this, then nothing is stopping these officers from continuing to create these false police reports.

Additionally, since these false police reports are in direct response to the County Executive's office's mishandling of the whistleblower complaint (in violation) of Board Policy 3.8), then shouldn't there be a discovery motion filed to obtain this exculpatory evidence?

Because the prosecution suppressed this evidence and other evidence, I would think this would be considered fraud to procure jurisdiction in a court which did not have jurisdiction.

Since the court did not have this jurisdiction, shouldn't the public defender's office acknowledge and address this fact, so that the orders issued may be rendered "VOID"?

Respectfully,

[redacted]

On Jul 23, 2015 8:52 AM, [redacted] wrote:

Good Morning Amanda.

Thank you for your voicemail yesterday at 3:43 P.M. explaining to me that something said by Ms. McLemore may have been taken out of context during her phone call to me yesterday morning at 11:55 A.M.

To avoid anything being taken out of context, can you please explain in writing what will be done and what will not be done in regards to the investigation request.

I would think that the falsified police reports created by Detectives Tarazi and David Carroll would be the most important focus at this time because these reports were in fact fraudulent and used to procure jurisdiction in court which had no jurisdiction.
These false police reports will also be critical focal point in the Federal Lawsuit which is being prepared against the Santa Clara County Sheriff’s department and the offending officers.

In the conversation I had yesterday with Gary Goodman at 4:46 P.M., he expressed that it is important to not email to much regarding these issues and I respect this. By the same token however, it is very important that an accurate record is kept of events and correspondences and also so nothing is taken out of context.

I would think that this would be especially important due to the fact that all of the police reports so far are fraudulent and they do not represent a truthful account of events that occurred.

To avoid anything being taken out of context, please explain in writing to me what will be will be investigated and what will not be investigated and the reasons for each.

At this point, I cannot see a valid reason for not investigating the false police reports, especially since they are included in the motion as "Exhibits" and false information is included in the "Declaration of Facts" to the 7/31/15 Motion to disqualify the district attorney's office.

I understand that you must be under some pressure from the County Executive's office, since they are the ones that were supposed to have handled the whistleblower complaint, which resulted in detective Carroll's original false police report.

Please understand however, that I am under pressure also, and the harassment by these officers has been going on for a very long time and this of course is worsened by these false police reports.

Respectfully Submitted,

-------- Forwarded message --------
From: [redacted]
Date: Sat, May 30, 2015 at 4:01 PM
Subject: Re: [redacted] - Pending Class Action / Federal Investigation
To: [redacted]

ok

On Sat, May 30, 2015 at 6:24 PM, [redacted] wrote:

[redacted], please call me when you can. I am in contact with attorney who can assist us in class action suit against the County of Santa Clara & he also knows how to approach U.S. Attorney's
office to petition them for a Federal Investigation into the Santa Clara County Sheriff's department.

We need to gather victim testimonies and coordinate with one another.

Best Regards,

On May 30, 2015 2:20 PM, [redacted] wrote:
ok. Sent you a letter to editor. Cannot open the attachment.

On Sat, May 30, 2015 at 4:10 PM, [redacted] wrote:

Hi [redacted], This case in Southern California is remarkably similar to what is happening to me in Santa Clara County. The Sheriff's department and district attorney's office here worked together in fabricating evidence and they suppressed all exculpatory evidence proving my innocence. Then the District Attorney's office retaliated against me for publishing a news article informing the public about the facts of the case. A restraining order was filed against me for the news article & the DA is named as a victim because I allegedly embarrassed him by exposing his fraud and misconduct.

Because he is named as "victim", the public defender's office has filed a motion to disqualify the DA's office & have the D.A. replaced by the State Attorney General.

I have informed the public defender's office that the motion may not be heard until correction have been made & before being heard, the motion must accurately reflect the abuse of process, malicious prosecution the disgusting harassment and other retaliatory acts and the false police reports created by Detectives David Carroll and Samy Tarazi.

The case [redacted] has been continued until late July, which will hopefully give the public defender's office adequate time to correct the inaccuracies in the motion to disqualify.

http://m.dailykos.com/story/2015/05/29/1388819/-Judge-disqualifies-all-250-prosecutors-in-Orange-County-CA-because-of-widespread-corruption

Attached, please find recording of attorney "Thompson Sharkey" admitting that I was railroaded for a crime I did not commit.

Is there a chance you could call me?

------- Original Message -------
Subject: Re: Probation Conditions - CASE: [redacted]
Another thing that they are doing is fabricating violations that didn't happen & the police involved keep writing false police reports with outright lies.

They are so blatant and obvious a it as if they are expecting that the PDO won't do anything about it and they don't. Then the PDO took the false information in the police reports and patched it into the motion to disqualify the district attorney's office trying to say that the DA is named a victim and it is conflict of interest.

This is true in a sense that it is a conflict of interest but he is absolutely not a victim whatsoever. James Leonard is the instigator for this whole thing and he is probably the one giving the sheriff's department the greenlight to fabricate this crap and telling them to write false police reports. The public defender has a big team of investigators for this but they just keep on ignoring it and this tells the sheriff's department that it is OK to just make stuff up and lie all they want.

27.05.2015, 00:29, [redacted]
> Looks to me like they are "out to lunch". How is he a "victim" because he is embarrassed? Makes no sense at all. Probably should be embarrassed. Probably has not sued for libel because truth is a defense.
> Clearly looks like violation of your 1st Amendment right of free speech.
> Again, I do not know enough of the facts (all!) to advise properly, but that is my reaction.
> File for an Injunction to prevent enforcement of the conditions? Unless there is some Court Rule specifying otherwise. For example, in Delaware (Rule 35 b) one can Move to Modify a condition of probation "at any time", and that is exactly what I would do, arguing that it clearly is illegal.
> can you please send any donation? I am in a financial pickle again!
>
> On Tue, May 26, 2015 at 4:03 PM, South Bay Area [redacted] wrote:
>> Hi Amanda. The case law below applies to the CR 161 restraining order filed on 10/31/14 & from what I understand should invalidate the additional condition of probation established on that date. (Mr. Leonard calling himself a victim because he was embarrassed by news article informing the public about the facts of the case & Leonard's suppression of exculpatory evidence then filing fake CR-161 to retaliate against me)
If the probation condition prohibits otherwise legal activity, and is not reasonably related to the crime committed or to future criminality, it will be declared invalid. (See People v. Fritchey (1992))

A probation condition that infringes upon constitutional rights is subject to special scrutiny. Such a condition must be narrowly drawn and constitute the least restrictive means to serve the dual purposes of rehabilitation and protecting public safety. (People v. Pointer (1984) 151 Cal.App.3d 1128, 1139; In re White, supra, 97 Cal.App.3d at 148.)

Overbroad restrictions upon a defendant's constitutional rights are not permitted. (People v. Pointer, supra, 151 Cal.App.3d at 1136-11.

I wanted to suggest that since the conditions imposed against me are invalid, it may be better to "attack" the invalidity of the probation conditions imposed by "the court"

Thank you,

> --
> MAKE it a 😊 day!
>
> All the best,

--

MAKE it a 😊 day!

All the best,

--

MAKE it a 😊 day!

All the best,
Ms. O'Neal, why are you refusing to assign investigators to investigate these falsified police reports?

Is this not what your investigators paid to do?

This is misfeasance on your part and you are enabling this fraud!

Who is telling you to do this?

Jeffrey Dunn is the main public defender responsible for attacking the coalition and he is also the one who threatened to tamper with the jury if the case was appealed and brought to jury trial. He bent over backwards to damage this case & must be disgraced publicly.

Thank you [redacted]. This recording was made legally in public setting. Not over telephone. If you would like, feel free to play it over the air on your T.V. show.

[redacted] wrote:

be very careful. it is illegal to record phonr calls in many states

On 5/27/15 12:51 PM, [redacted] wrote:

> Good morning [redacted].
> 
> I am attaching copy of recording of attorney: Thompson Sharkey admitting that I was railroaded for crime I did not commit. I am copying this email to retired prosecutor [redacted]
From: [Redacted]
Date: May 27, 2015 10:25 AM
Subject: Re: Specific policy
To: "California Relay" [Redacted]
Cc: <amanda.parks@pdo.sccgov.org>

Board Policy 3.8
On May 27, 2015 9:24 AM, "California Relay" [Redacted] wrote:

what is the policy that they are violating by harassing and retaliating against you?

------ Beginning of forwarded message ------
27.05.2015, 19:13, "California Relay" [Redacted]

suggests bringing publicity to the Public Defender's office in Santa Clara County not assigning investigators to address the false police reports. The false statements and fabrications are so blatant it appears that the Sheriff's department is anticipating that the public defender will just ignore it.

Someone is probably telling the public defender to ignore the false police reports. Since this whole thing resulted from the County Executive retaliating for whistleblower complaint, then the County executive's office is probably giving directions to the public defender. It is a conflict of interest because County executive Jeff Smith is Molly O'Neal's immediate supervisor.

They are supposed to have a team of investigators who's responsibility is to investigate matters like this. [Redacted] is being denied access to these services.

There is photo of Molly O'Neal here:

http://paloaltofreepress.com/santa-clara-county-public-defen...

Molly O'Neal is supposed to be responsible for the actions and behavior of everyone in her office

------ Beginning of forwarded message ------
27.05.2015, 10:08, [Redacted]

I know all too well about false reports, and the hell it is trying to get anyone to DO something about it! It is a crime. The best you can do is embarrass them in the press, and email the U S ATTORNEY for your district.

Hell, call out the PD also! Embarrass THEM in the press!

On Tue, May 26, 2015 at 9:29 PM, California Relay [Redacted] wrote:

Another thing that they are doing is fabricating violations that didn't happen
& the police involved keep writing false police reports with outright lies.

>>>  They are so blatant and obvious a it as if they are expecting that the PDO won't do
anything about it and they don't. Then the PDO took the false information in the police reports
and patched it into the motion to disqualify the district attorney's office trying to say that the DA
is named a victim and it is conflict of interest.

>>>  This is true in a sense that it is a conflict of interest but he is absolutely not a victim
whatsoever. James Leonard is the instigator for this whole thing and he is probably the one
giving the Sheriff's department the greenlight to fabricate this crap and telling them to write false
police reports. The public defender has a big team of investigators for this but they just keep on
ignoring it and this tells the sheriff's department that it is OK to just make stuff up and lie all they
want.

>>>  27.05.2015, 00:29, [redacted]
>>>  Looks to me like they are "out to lunch". How is he a "victim" because he is
embarrassed? Makes no sense at all. Probably should be embarrassed.Probably has not sued for
libel because truth is a defense.

>>>  Clearly looks like violation of your 1st Amendment right of free speech.

>>>  Again, I do not know enough of the facts (all!) to advise properly, but that is my reaction.

>>>  File for an Injunction to prevent enforcement of the conditions? Unless there is some
Court Rule specifying otherwise. For example, in Delaware (Rule 35 b) one can Move to Modify
a condition of probation "at any time", and that is exactly what I would do, arguing that it
clearly is illegal.

>>>  [redacted] can you please send any donation? I am in a financial pickle again!

>>>  [redacted]

>>>  On Tue, May 26, 2015 at 4:03 PM, South Bay Area <[redacted]> wrote:

>>>  Hi Amanda. The case law below applies to the CR 161 restraining order filed on
10/31/14 & from what I understand should invalidate the additional condition of probation
established on that date. ( Mr. Leonard calling himself a victim because he was embarrassed by
news article informing the public about the facts of the case & Leonard's suppression of
exculpatory evidence then filing fake CR-161 to retaliate against me)

>>>  If the probation condition prohibits otherwise legal activity, and is not reasonably
related to the crime committed or to future criminality, it will be declared invalid. (SeePeople v.
Fritchey (1992)

>>>  A probation condition that infringes upon constitutional rights is subject to special
scrutiny. Such a condition must be narrowly drawn and constitute the least restrictive
means to serve the dual purposes of rehabilitation and protecting public safety. (People v.
Overbroad restrictions upon a defendant's constitutional rights are not permitted.
(People v. Pointer, supra, 151 Cal.App.3d at 1136-11.
I wanted to suggest that since the conditions imposed against me are invalid, it may be
better to "attack" the invalidity of the probation conditions imposed by "the court"
Thank you,
--
MAKE it a day!

All the best,

--
MAKE it a day!

All the best,

-------- End of forwarded message --------
-------- End of forwarded message --------

-- Reach for the Skies... Within!

-------- End of forwarded message --------
-------- End of forwarded message --------

-------- Forwarded message --------
From: 
Date: Sat, Jul 25, 2015 at 6:48 PM
Subject: RE: (& too)
To: 
Cc: 

Hi,

I am on the road. Just got into Panajachel (in Guatemala). This nonsense with Mexico and
Ecuador was escalating and I decided it was time to make myself scarce.
The posada where I am staying right now has a terrible internet connection, no skype capabilities. Maybe I can call in a couple of days...when I am located elsewhere...I am on my way to Honduras to see a friend. Soft landing and all that.....

Date: Thu, 23 Jul 2015 10:18:06 -0700
Subject: \_
From: \_
(& too)
To: \_
CC: 

Hello \_
The County Executive's office oversees the Public Defender and the District Attorney's office and it is the County Executive's office which has direct interest in preserving the false police reports.

Detective David Carroll became involved because the County Counsel would not follow their policy & Procedure for handling whistleblower complaint.

Instead of handing the whistleblower complaint to the County Executive as policy mandates, County Counsel Orry Korb dispatched detective David Carroll to stalk us, harass us and terrorise us.

Please call me when you have a chance. 

Thanks,

--------- Forwarded message ---------
From: Amanda Parks - PDO
Date: Jul 23, 2015 8:52 AM
Subject: Amanda Parks - PDO
To: "Amanda Parks" <amanda.parks@pdo.scegov.org>
Cc:

Good Morning Amanda.

Thank you for your voicemail yesterday at 3:43 P.M. explaining to me that something said by Ms. McLemore may have been taken out of context during her phone call to me yesterday morning at 11:55 A.M.

To avoid anything being taken out of context, can you please explain in writing what will be done and what will not be done in regards to the investigation request.
I would think that the falsified police reports created by Detectives Tarazi and David Carroll would be the most important focus at this time because these reports were in fact fraudulent and used to procure jurisdiction in court which had no jurisdiction.

These false police reports will also be critical focal point in the Federal Lawsuit which is being prepared against the Santa Clara County Sheriff's department and the offending officers.

In the conversation I had yesterday with Gary Goodman at 4:46 P.M., he expressed that it is important to not email to much regarding these issues and I respect this. By the same token however, it is very important that an accurate record is kept of events and correspondences and also so nothing is taken out of context.

I would think that this would be especially important due to the fact that all of the police reports so far are fraudulent and they do not represent a truthful account of events that occurred.

To avoid anything being taken out of context, please explain in writing to me what will be will be investigated and what will not be investigated and the reasons for each.

At this point, I cannot see a valid reason for not investigating the false police reports, especially since they are included in the motion as "Exhibits" and false information is included in the "Declaration of Facts" to the 7/31/15 Motion to disqualify the district attorney's office.

I understand that you must be under some pressure from the County Executive's office, since they are the ones that were supposed to have handled the whistleblower complaint, which resulted in detective Carroll's original false police report.

Please understand however, that I am under pressure also, and the harassment by these officers has been going on for a very long time and this of course is worsened by these false police reports.

Respectfully Submitted,

On Thu, Jun 18, 2015 at 10:29 PM, South Bay Advocacy Network wrote:
Hello Amanda. In addition to the other corrections to the motion to disqualify the District Attorney"s office, I concerned of another statement you made which to a degree, is misleading.

In the motion, you stated that I had admitted to a probation violation. This, as you are aware was due to my being misled by Mr. Thomson Sharkey who told me that it was a violation of probation to publish a news article about the facts of the case if bringing attention to the acts of fraud by assistant DA James Leonard caused him embarrassment.
After I was released, I met with Mr. Davis who showed me the terms of probation and it was made clear in these terms that I absolutely did not violate probation and the court record should accurately reflect this fact.

If the court record states otherwise, then this again is clear evidence that the prosecution is cheating & creating false records.

When the motion is complete, it needs to clearly reflect the facts. Currently, the motion contains several inaccuracies that need to be corrected before the motion is heard.

Some examples:

I have never published material speaking negatively about deputy Ridgeway's role as Police officer.

I have never published images "targeting" the assistant DA James Leonard.

Before this motion is heard, these errors must be corrected and every line of the motion must be initialed with my approval.

If these corrections are not made, then the motion to disqualify the District Attorney's office may not be heard.

The final draft of the motion must reflect the facts of the case and not be a seamless continuum of this malicious & fraudulent court record: 

Thank You,

[Redacted]

-------- Forwarded message --------
From: [Redacted]
Date: Fri, May 15, 2015 at 1:16 PM
Subject: Detective Tarazi
To: Alfredo Alanis <alfredo.alanis@sheriff.sccgov.org>
Cc: amanda.parks@pdo.sccgov.org, "Connie@DCA Conkle" <Connie.Conkle@dca.ca.gov>, keith.dann@doj.ca.gov

Detective Tarazi filed a fraudulent police report claiming that I had been arrested for harassing Mr. Leonard which is an outlandish lie.
I have never harassed Mr. Leonard, I have never been arrested, charged or convicted for harassing Mr. Leonard. Case: [redacted] states that there are "2 counts" of this false charge. Not 3.

The restraining order filed against me was for allegedly "embarrassing Mr. Leonard" in a News Article that was published. I was not told the terms of my probation & I was told that by being "granted probation" that I no longer have the first amendment protection established by the New York Times v. Sullivan Supreme Court Decision. I was not informed either verbally or in writing of my Morrisey-Vickers rights.

If the court transcript indicates otherwise, then the transcript was altered.

Penal Code 118.1 states that:

Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person.

------------ Forwarded message ------------
From: [redacted]
Date: May 15, 2015 12:20 PM
Subject: Re: Fraudulent Document
To: [redacted], [redacted], <amanda.parks@pdo.sccgov.org>, <info@calbar.ca.gov>, Center for Judicial Excellence <info@centerforjudicialexcellence.org>, <info@prosecutorintegrity.org>

Dear Santa Clara County Public Defender's office,

I allege that the Police Report filed by detective Samy Tarazi is a fraudulent document and I will be needing a copy of this police report today.

Please send copy of this police report to me TODAY via email to [redacted]

If you not have the time to email me this document, then I request you take the time to contact someone in your office who does have the time, and make sure that this is done today.

Additionally, it is also my understanding that detective Tarazi own assets in Brisbane California. I the have right to sue him for damages caused & we intend on putting lien against any assets he may own & fully intend to do so.
Thank you,

-------- Forwarded message --------
From: [Redacted]
Date: May 15, 2015 11:11 AM
Subject: Cheryl Stevens - County Counsel
To: Cheryl Stevens <Cheryl.Stevens@cco.sccgov.org>, [Redacted]
Cc: Alfredo Alanis <alfredo.alanis@sheriff.sccgov.org>, [Redacted]

Good Morning Ms. Stevens, In the recorded conversation with Mr. Sharkey which occurred AFTER his December 2014 retirement from the Santa Clara County Public Defender's office, Mr. Sharkey identified me as his present client and he also identified himself as my present attorney.

If this were the case, then I should think that matters relating to this conversation should be protected by attorney client privilege & pursuant to evidence code 953(a), I would be the holder of the privilege.

Be advised therefore that neither the Sheriff's dept or District Attorney's office has my permission to discuss the matter with him without my consent or vica/verce as this "may" constitute a breach the attorney client privilege and violate my rights guaranteed by the 6th Amendment to US Constitution.

An exception to this would be for example if acts of fraud have occurred (FRAUD / CRIME EXCEPTION - See: CLARK VS. UNITED STATES - http://heinonline.org/HOL/LandingPage?handle=hein.journals/nclr64&div=26&id=&page_)

Can you see any indication that acts of fraud may have occurred? If so, the question would be by whom? & also, what would be the nature of this fraud? (I am copying this email to Sergeant Alanis so that it may be cross referenced to Internal affairs case: [Redacted])

Thank you,

-------- Forwarded message --------
From: [Redacted]
Date: May 15, 2015 10:02 AM
Subject: Request for copy of Police Report.
To: <amanda.parks@pdo.sccgov.org>
Cc: <smccarthy@pdo.sccgov.org>, [Redacted]
Good morning Amanda, just a friendly reminder that I will need a copy of Detective Samy Tarazi's police report today. (As soon as possible)

It is my understanding that detective Tarazi may own assets in Brisbane California. Both myself and [redacted] both have right to sue him for damages caused & we intend on putting lien against any assets he may own.

Please send copy of the police report to me today in PDF format.

Thank you,
[redacted]

---------- Forwarded message ----------
From: [redacted] <[redacted]>
Date: May 14, 2015 11:08 PM
Subject: RE: Recording of attorney Thompson Sharkey
To: <amanda.parks@pdo.sccgov.org>, <smccarthy@pdo.sccgov.org>
Cc: "Alfredo Alanis" <alfredo.alanis@sheriff.sccgov.org>, "Tracey Kaplan" <tkaplan@mercurynews.com>, <svdebug@newamericamedia.com>, [redacted]

Dear Amanda, Thank you for your concern, but this recording was made at public gathering and California appellate court has ruled that this statute applies to the use of hidden video cameras and to record audio conversations as well. See California v. Gibbons, 215 Cal. App. 3d 1204 (Cal Ct. App. 1989)

Detective Tarazi also stated in his report that he recorded me & this recording of me was made without my knowledge or consent. If this was unlawful of him, then please file motion to suppress all evidence gathered via his recording of me & cite the applicable statute so that I may supplement this as an additional allegation to his internal affairs complaint.

If this was NOT unlawful for detective Tarazi, then it was not unlawful for me either. If there is not grounds for motion to suppress Tarazi’s recording, then neither should the exculpatory evidence I have obtained via my recording be suppressed.

Furthermore, On October 31st, 2014, Judge David Cena issued a court order stating that the victim ( I am the victim ) may record ANY inappropriate conversations. This court order was facilitated by Thompson Sharkey, who reconfirms several times within the recording that I am in fact, the victim & that I was railroaded for crime I did not commit. (Full recording was about 36 minutes in length)

Additionally, the State Attorney General’s office may potentially prosecute this case & this recording serves as exculpatory evidence to my defense which cannot legally be suppressed. To prosecute fairly, they must fully understand the facts of the case & it must be made crystal clear to them that the court record to [redacted] is a fraudulent court record & so are the police reports
filed in this case. I cannot and will not accept the label as "criminal" & this label will not stick to me, nor will helium stick to a Teflon pan.

I will not play the role of "criminal" to satisfy anyone's sick and perverse agenda because this would be contrary to what my conscience believes to be true & also, I refuse to be an accomplice to the crimes committed by the Santa Clara County Sheriff's Department and District Attorney's office as this could perhaps render me in violation of California Penal Code 31 - Judge Jerome Nadler stated that though my probation status is revoked, I must still comply with the terms which require that I obey all laws.

With PC 31 aside, Heaven forbid my "CONSCIENCE BE CONVICTED" of something so gruesome, hideous and disgusting as to cooperate or pursue the D.A's corrupt motive.

Finally, these violations of board policy 3.8 have been coupled with unlawful use of force and threats of violence against me and those that I love. I therefore have legitimate reason to fear for my life & the lives, health and safety of others.

Even if this recording was technically "illegal", a LEGITIMATE court would surely find me innocent via "Defense of Necessity", the required elements of which are as follows:

1.) The defendant must reasonably have believed that there was an actual and specific threat that required immediate action

2.) The defendant must have had no realistic alternative to completing the criminal act.

3) The harm caused by the criminal act must not be greater than the harm avoided.

4.) The defendant did not himself contribute to or cause the threat.

By all means, Please correct me if I am wrong.

Sincerely yours,

[Redacted]

( Victim of Malicious Prosecution - Case: [Redacted] )

On May 14, 2015 7:10 PM, "[Redacted]" wrote:

> In addition to this being in a public setting, on October 31st, 2014, Judge David Cena issued a court order authorizing me to record any inappropriate communications.

> Respectfully,

[Redacted]

> Victim - Case: [Redacted]
It is illegal for you to record someone else without their consent. Please do not attach this recording to any emails to law enforcement agencies or you risk prosecution.

Thank you,

Amanda Parks
Attorney
Office of Public Defender, Santa Clara County
120 W. Mission St.
San Jose, CA 95110
(408) 299-7124
(408) 998-8265 (fax)

NOTICE:
This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. This entire message constitutes a privileged and confidential communication pursuant to California Evidence Code Section 952 and California Code of Civil Procedure Section 2018. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

-------------- Forwarded message --------------
From: [redacted]
Date: Tue, Aug 18, 2015 at 12:35 PM
Subject: RE: Tarazi
To: [redacted]
Cc: [redacted]
California Relay [redacted]

Yes it is true and we have proof. I am copying this to & she can help explain.
His reasoning for search warrant was NOT BASED ON FACTS, but instead were based on previous false reports by Detective David Carroll, which were also PROVEN to be false and confirmed by San Jose Police Dept.

You are retired a prosecutor from Attorney General's office & if there is anything about the information we provide that casts ANY DOUBT, please do not hesitate to contact us for clarification.

I am also copying Judge Bullock.

On Aug 18, 2015 12:17 PM, ' [redacted] wrote:
And if true he should be PROSECUTED!

MAKE it a great day!

And founder of no more organizations this decade! 😊

-----Original Message-----
From: South Bay Advocacy [mailto: [redacted]
Sent: Tuesday, August 18, 2015 3:10 PM
To: samy.tarazi@sheriff.sccgov.org
Cc: [redacted] Amanda Parks
Subject: Tarazi

Detective Tarazi.

I will be alerting them to the FACT that you fabricated probable cause for search warrant to search their account & I will provide them with the documentation to PROVE IT.

They will most likely bring you massive publicity.

This does not not mean they are "harassing you".
This means: "YOU FABRICATED PROBABLE CAUSE FOR SEARCH WARRANT TO ILLEGALLY ACCESS THEIR ACCOUNT"
Hello Mr. Boyarsky,

I am just letting you know that I was contacted today by an investigative reporter who inquired about Mr. [James Leonard's roll in case] for national series on prosecutor misconduct.

I have agreed to interview over the weekend and to provide additional documentation regarding possible collusion with Judge Lori Pegg.

Thank you & enjoy your weekend.

Rev.

P.S. If the reporter inquires about Ms. Barbara Cathcart, I will have nothing except kind words to say.
CASE

FRAUDULENT EVICTION OF [REDACTED] BY JUDGE SOCRATES PETER MANOUKIAN. ROBERT RIDGEWAY LIED ON COURT DOCUMENTS ABOUT NON EXISTANT CAMERA FOOTAGE. REFUSED TO SIGN PAPER OR TESTIFY
LORI PEGG IN CAPACITY OF COUNTY COUNSEL ASSISTED IN FRAUDULENT EVICTION

HUD INQUIRY

SANTA CLARA COUNTY SHERIFF DETECTIVE DAVID CARROLL INTERFERES WITH FEDERAL INVESTIGATION BY U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT

WHISTLEBLOWER COMPLAINT

ACTING COUNTY COUNSEL LORI PEGG, MISHANDLED COMPLAINT AGAINST SUBORDINATE ATTORNEY LARRY KUBO
MULTIPLE INCIDENTS OF THREATS AND HARASSMENT BY DETECTIVE DAVID CARROLL
IN VIOLATION OF BOARD POLICY 3.8

CASE

[REDACTED] RAILROADED BY SANTA CLARA COUNTY SHERIFF DETECTIVE DAVID CARROLL AND ASSISTANT DISTRICT ATTORNEY JAMES LEONARD FOR FILING WHISTLEBLOWER COMPLAINT.
( IN VIOLATION OF BOARD POLICY 3.8 )
JUDGE LORI PEGG — HANDLED FRAUDULENT SEARCH WARRANT COVERING UP HER OWN ACTS OF FRAUD WHICH OCCURRED WHILE SHE WAS ACTING COUNTY
Ms. O'Neal, The Ridgeway images in detective Carroll's report in case [redacted] have markings on them indicating that this was coordinated by the director, Mr. Bassler. [redacted] was not even assigned to this team and even if he was, he would have no decision making power whatsoever as to project dissemination and approval & there are policies as to specifically what meets approval for publication and you are well aware that Mr. Bassler sets these policies.

How could you not have noticed this and why do you insist on attaching [redacted] name to this?

Naturally, since [redacted] was selected by the residents, it only makes sense that he would be consulted on the issue. The conditions at this apartment complex were so bad, that they accused ABC News of making threats on behalf of the coalition. This was beyond ridiculous and is one of the reasons why so much publicity was brought to them. Then they actually called the police on ABC news reporter because of Ryan Mayberry's fraudulent documents.

Don't lie because this was televised on ABC News and it was in court record to [redacted]. What is different that what we explained? How come this is not reflected in [redacted]? Weren't your investigators supposed contact the graphic designers over a year ago?

You are acting like this is the first you heard that the police reports were false? Why have no charges been filed against ABC News or Law Foundation of Silicon Valley or anyone else for that matter. Tenant rights literature is legal everywhere in the country, yet you claim that we may not distribute this at Markham Plaza as if Markham Plaza were somehow different than anywhere else.

The exception is not Markham Plaza, it is judge Manoukian who has done this repeatedly to others.
This appears to pattern. The same evening of [redacted] mock trial eviction, ABC news met with several of the victims at the Denny's restaurant just a few blocks north from Markham Plaza where the back room was reserved. After the equipment was set up, co-producer, Jim O'Donnell called each of us for an interview and said: "How many of you have they made false accusations about with no charges being filed?" Without exception, everyone raised their hand and answered yes. All of us were then interviewed by ABC 7 News. The police were called on the other producer: Dan Noyes. Typically, the Santa Clara County sheriff's department court security officers are the ones that Target Manoukian's victims, but in this case, it was a single officer from San Jose Police Department that showed up and looked completely bewildered as to why he was there. (Twin Scandals)

In case [redacted], Santa Clara County sheriff lieutenant Neil Valenzuela adamantly insists that these two scandals involved a different set of government officials, but by simply comparing the court records, you will see that it was in fact the same two judges, same county counsel attorney: Larry Kubo (subject of whistle blower complaint) and others. I cannot speak for others in the coalition, but at the time of briefing the management, I did not understand that Judge Manoukian, who had presided over the EAH Housing eviction fraud scandal had also evicted Mr. [redacted] from his mothers home.

All of the victims told remarkably similar stories, and though required by policy, there is no evidence that internal affairs had tried to make contact with them or obtain the footage. When I asked deputy public defender Amanda Parks why the public defender's office refused to interview these specific witnesses and victims, she explained that I had already pleaded guilty, and that Judge Staffords decision was final and I had already excepted blame for the ABC News story. (as if it were some kind of crime) like they were reconfirming that all media coverage was part of Ryan Mayberry's big conspiracy. She twisted this to imply that this would be "incriminating" rather than "exculpatory" evidence and 're admitting / re-confirming" guilt.

We had later learned that Mr. Lee Pullen, director of Aging and adult services who worked with Larry Kubo was neighbor of opposition attorney: Ryan Mayberry, and they live a few short blocks from each other in San Rafael where EAH Housing is headquartered.

They had done this repeatedly throughout the case, and on 10/16/14 I was even arrested for publishing news article about the case, and when I went to court on 10/31/14, attorney Thompson Sharkey insisted that by accepting terms of probation, I had waived my first amendment rights guaranteed by New York Times v. Sullivan. and a fake a fake restraining order was issued demanding that i go nowhere near the district attorney's office because I had embarrassed the prosecuting attorney, by publishing the news article about his prosecutorial misconduct.

I was released from jail early in the morning of November 5th, a few hours after Judge Socrates Manoukians wife, associate justice Patricia Bamratte Manoukian had won reelection on California's sixth district court of appeals. Because of of my false arrest, and my time in jail, I was unable to gather signatures notice of intent to
circulate recall petition to remove judge Socrates Manoukian from the bench.

http://ccin.menlopark.org/att-8338/Manoukian_Eviction_Notify_2.pdf

This not only would have devastated Manoukian's wife's election, it also would have exposed the crimes of the officers under the supervision of Captain Ricardo Urena, who oversees the sheriff department's court security division and also directed detective David Carroll's first fake police report & they are acting as if it somehow my responsibility to stop all the attention that they are bringing upon themselves. (This case developed in late June/early July 2014 just a few days after the State attorney general's office had announced a criminal investigation into Judge Manoukian, detective Carroll and others which is the abuse of the CLETS law enforcement database mentioned in this document)

Lieutenant Neil Valenzuela admitted that proper procedure was not followed by stating in writing to me that the investigation was conducted by himself and Sergeant Alfredo Alanis. Neither the lieutenant or sergeant may not investigate misconduct directed via chain of command by captain Urena because captain outranks lieutenant and sergeant. This must be handled by of higher rank than captain, yet instead of investigating it, they covered it up as usual. This misconduct is being endorsed by, encouraged by and directed by top leadership of the Santa Clara County sheriff's department, and similar to, in many ways to what is happening with the department of correction. The widespread police corruption in the Santa Clara County Sheriff's department has many common elements to the Rampart Crash scandal of the 1990's. See for yourself with point by point comparison in Rampart Crash report (including theft of property such as computer equipment) and that the top administration of both departments were not only aware of, but that they often encouraged and endorsed the unlawful behavior by front line officers.

The fraud committed by Ryan Mayberry in case was used to deny neighbor, rights pursuant to the American's with disabilities act. He was then found dead in his apartment at Santa Clara County Assistant District Attorney, James Leonard was assigned to homicide cases for the district attorney's office at the time when body was found. Mr. Leonard was also the same assistant district attorney who railroaded me in case: & Leonard's color of law abuses were done in obvious collaboration with Captain Ricardo Urena's court security officers.

Not only has media coverage been repeatedly portrayed as a "crime", I have been told by the Santa Clara County Sheriff's department that I am PERSONALLY responsible for preventing / stopping media attention to the corruption in Judge Socrates Manoukian's court room as if the media was criminally conspiring against Judge Manoukian and the sheriff's department. (Documentation is available upon request.)

Understandably, the Manoukians would be upset by the media coverage by ABC 7 News, as this led to California State assembly bill 937 (Weikowski) which made it more difficult for the Manoukian's to steal real estate from their court room litigants. (Again, I did not cause the ABC news Story. This video was however passed over to property management, hoping that they would rethink their criminal collaboration and refrain from violence, and would instead choose to meet with the team leaders to work toward a peaceful approach to resolve any differences, whether it be real or perceived. Ryan Mayberry snipped out the video altering the record to make it vaguely resemble a threat and reference to ABC News. The same audio footage from this video was also prominently featured in the ABC news story.

Extensive documentation on the Manoukian family's real estate can be found in the Santa Clara County Granter / Grantee index, and for several other California counties. Some is listed under: "Manoukian Family Trust" and "Bamattre Family Trust" which, from what I have been told, has not been accurately documented in their 700 forms.
On Sun, Nov 15, 2015 at 2:02 PM. [Redacted] wrote:

Ms. O'Neal, The Ridgeway images in detective Carroll's report in case [Redacted] have markings on them indicating that this was coordinated by the director, Mr. Bassler. [Redacted] was not even assigned to this team and even if he was, he would have no decision making power whatsoever as to project dissemination and approval & there are policies as to specifically what meets approval for publication and you are well aware that Mr. Bassler sets these policies.

How could you not have noticed this and why do you insist on attaching [Redacted] name to this?

Naturally, since [Redacted] was selected by the residents, it only makes sense that he would be consulted on the issue. The conditions at this apartment complex were so bad, that they accused ABC News of making threats on behalf of the coalition. This was beyond ridiculous and is one of the reasons why so much publicity was brought to them. Then they actually called the police on ABC news reporter because of Ryan Mayberry's fraudulent documents.

Don't lie because this was televised on ABC News and it was in court record to [Redacted]. What is different that what we explained? How come this is not reflected in [Redacted] Weren't your investigators supposed contact the graphic designers over a year ago?

You are acting like this is the first you heard that the police reports were false? Why have no charges been filed against ABC News or Law Foundation of Silicon Valley or anyone else for that matter. Tenant rights literature is legal everywhere in the country, yet you claim that we may not distribute this at Markham Plaza as if Markham Plaza were somehow different than anywhere else.

The exception is not Markham Plaza, it is judge Manoukian who has done this repeatedly to others.
Hello [REDACTED], here is copy of an email to Judge Socrates Manoukian from Santa Clara county sheriff deputy Robert Eng regarding a documentary film producer named Bill Windsor planning to film a movie about Judge Socrates Manoukian.

Deputy Eng held me responsible for the publicity, and told me that I could be charged with murder (penal code 187) & falsely stated that the film producer had made threats against judges and posted pictures of himself with fire arms.

They never produced any evidence of this, but they acted as if it were a clearly established fact. As it turns out, Deputy Eng was referencing to a pending civil court case out of Lexington County Missouri (CASE# 13LF-CV00289) – this case was dismissed for lack of evidence.

SEE ACCOMPANYING VIDEO:

http://www.youtube.com/watch?feature=player_embedded&v=ZkGzG-NPous

Judge Manoukian,
Little update. I called [REDACTED] yesterday afternoon and spoke to him regarding your issues of him posting propaganda about you on the internet.

I explained to [REDACTED] even though he has not committed any crime he is on the line of doing so. He demanded I tell him what crimes he might be in violation of and wanted the penal code sections. I told him to look at 657 (m), 422 and possibly 187. As soon as I mentioned 187, Mr. [REDACTED] became very defensive and started yelling that he would never consider such thing. I told him, that by sending your picture to Lawless America, he might have jeopardize your safety because the owner of that site Bill Windsor has made numerous threats to judges, posted pictures of himself carrying firearms.

I told Deputy Eng if Bill Windsor should ever come to this state and confront you, he could be partly responsible. Due to the fact he sent your picture to that site and posted where you live.

[REDACTED] told me he was sorry for the inconvenience and hung up.

I'm following up on the Lawless America website. I'll let you know as soon as I find something.

Deputy Robert Eng #1795

Deputy Eng was implying that it was my responsibility to physically prevent a film producer from coming to town, and trying to "criminalize" this media coverage.

This same sort of thing has happened repeatedly in case [REDACTED] and Santa Clara County Sheriff's department arrested me on two occasions because of media attention brought upon them by others & told me that I was to blame for it.
On both of those occasions, other organizations who had signed on to the same project had already claimed responsibility. I have no decision making power over these organization or other individuals for that matter.

Much more documentation is on its way.

I have court tomorrow afternoon, but will try to send something to you early in the morning and I can demonstrate this has been an ongoing pattern.

Thank you,
FYI:

Dear Commission members:

This is a long but very comprehensive review of the complex and competing interests raised by the issue of outfitting police, correction officers, and other members of law enforcement, with 24/7 body worn cameras. I highly recommend this document for your review.

Sincerely,

http://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/implementing%20body-worn%20camera%20program.pdf

Shared via the Google app

Sent from my iPhone
Hello, my original arrest was for an image created through a media organization that I was a member of. I had no decision making power over the organization's projects & have no influence over their policies, yet I am somehow being blamed for what they do.

Just because information was exchanged regarding the EAH Housing scandal, these fake records make it appear as if I am in control of these different organizations.

Since they were covering the story, they consulted with me on what had occurred and the roles played by different individuals.

This is no different than what any other media organization would do.

Detective Carroll fraudulently procured a search warrant for the conversation & fabricated the complaint and report to make it appear that I was somehow directing the activities of this organization.

It was not until after my arrest did I make contact with the organization's director. Prior to that, I did not even know who he was. One of their members had been covering the public guardian for years, so naturally he would be covering issues regarding the EAH Housing scandal.

If I did not know the director, and was not a member, then how can these bizarre reports claim that I have more influence over this organization than the director. who I never even had contact with.

It was clearly understood that if eah Housing stepped into the scandal, then they would step into the spotlight was already in place. I did not set up that spotlight. I kindly asked them to not step into it

Since my criminal case stemmed from same scandal, others who participate such as Deputy Ridgeway will of course be exposed.

That was determined back in 2012 and I cannot turn back the clock. They were the ones who insisted on proceeding and I cannot be held responsible for their reckless decision to not listen to reason.

They had nothing to lose by accepting our generous invitation to simply sit down with the team leaders to talk over problems, and figure out a way to resolve the conflict. This would have been a win-win situation.

Obviously there way did not work, yet I am being blamed for their poor choices

Thank you
Forwarded message

From: 
Date: Nov 16, 2015 8:00 PM
Subject: Deputy Robert Eng - Court Security
To: 
Cc: 

Hello [name], here is copy of an email to Judge Socrates Manoukian from Santa Clara county sheriff deputy Robert Eng regarding a documentary film producer named Bill Windsor planning to film a movie about Judge Socrates Manoukian.

Deputy Eng held me responsible for the publicity, and told me that I could be charged with murder (penal code 187) & falsely stated that the film producer had made threats against judges and posted pictures of himself with fire arms.

They never produced any evidence of this, but they acted as if it were a clearly established fact. As it turns out, Deputy Eng was referencing to a pending civil court case out of Lexington County Missouri (CASE# 13LF-CV00289) – this case was dismissed for lack of evidence.

SEE ACCOMPANYING VIDEO:

http://www.youtube.com/watch?feature=player_embedded&v=ZkGzG-NPous

---

To "emanoukian@scscourt.org" <emanoukian@scscourt.org>
cc: "lamond.davis@sheriff.sccgov.org"
<lamond.davis@sheriff.sccgov.org>

Subject: Re: Hello My name

Judge Manoukian,

Little update. I called yesterday afternoon and spoke to him regarding your issues or him posting propaganda about you on the internet. I explained to him even though he has not committed any crime he is on the line of doing so. He demanded I tell him what crimes he might be in violation of and wanted the penal code sections. I told him to look at 659 (m), 422 and possibly 187. As soon as I mentioned 187, Mr. Manoukian became very defensive and started yelling that he would never consider such thing. I told him, that by sending your picture to Lawless America, he might jeopardize your safety because the owner of that site Bill Windsor has made numerous threats to judges, posted pictures of himself carrying firearms.

I told him if Bill Windsor should ever come to this state and confront you, he could be partly responsible. Due to the fact he sent your picture to that site and posted where you live.

I told him he was sorry for the inconvenience and hung up.

I'm following up on the Lawless America website. I'll let you know as soon as I find something.

Deputy Robert Eng #1795

---

Deputy Eng was implying that it was my responsibility to physically prevent a film producer from coming to town, and trying to "criminalize" this media coverage.

This same sort of thing has happened repeatedly in case and Santa Clara County Sheriff's department arrested me on two occasions because of media attention brought upon them by others & told me that I was to blame for it.

On both of those occasions, other organizations who had signed on to the same project had already claimed responsibility. I have no decision making power over these organization or other individuals for that matter.
Much more documentation is on its way.

I have court tomorrow afternoon, but will try to send something to you early in the morning and I can demonstrate this has been an ongoing pattern.

Thank you,
Correction: I was NOT a member of the organization. The spell checker on this device changes words.

On Nov 16, 2015 9:24 PM, "..." wrote:

Hello ..., my original arrest was for an image created through a media organization that I was a member of. I had no decision making power over the organization's projects & have no influence over their policies, yet I am somehow being blamed for what they do.

Just because information was exchanged regarding the EAH Housing scandal, these fake records make it appear as if I am in control of these different organizations.

Since they were covering the story, they consulted with me on what had occurred and the roles played by different individuals.

This is no different than what any other media organization would do.

Detective Carroll fraudulently procured a search warrant for the conversation & fabricated the complaint and report to make it appear that I was somehow directing the activities of this organization.

It was not until after my arrest did I make contact with the organization's director. Prior to that, I did not even know who he was. One of their members had been covering the public guardian for years, so naturally he would be covering issues regarding the EAH Housing scandal.

If I did not know the director, and was not a member, then how can these bizarre reports claim that I have more influence over this organization than the director, who I never even had contact with.

It was clearly understood that if eah Housing stepped into the scandal, then they would step into the spotlight was already in place. I did not set up that spotlight. I kindly asked them to not step into it.

Since my criminal case stemmed from same scandal, others who participate such as Deputy Ridgeway will of course be exposed.

That was determined back in 2012 and I cannot turn back the clock. They were the ones who insisted on proceeding and I cannot be held responsible for their recklessly decision to not listen to reason.

They had nothing to lose by accepting our generous invitation to simply sit down with the team leaders to talk over problems, and figure out a way to resolve the conflict. This would have been a win-win situation.

Obviously there way did not work, yet I am being blamed for their poor choices.
Thank you

------------ Forwarded message ------------
From: [redacted] [redacted] <[redacted]>
Date: Nov 16, 2015 8:00 PM
Subject: Deputy Robert Eng - Court Security
To: [redacted] >
Cc:

Hello [redacted], here is copy of an email to Judge Socrates Manoukian from Santa Clara county sheriff deputy Robert Eng regarding a documentary film producer named Bill Windsor planning to film a movie about Judge Socrates Manoukian.

Deputy Eng held me responsible for the publicity, and told me that I could be charged with murder (penal code 187) & falsely stated that the film producer had made threats against judges and posted pictures of himself with fire arms.

They never produced any evidence of this, but they acted as if it were a clearly established fact. As it turns out, Deputy Eng was referencing to a pending civil court case out of Lexington County Missouri (CASE# 13LF-CV00289) – this case was dismissed for lack of evidence. SEE ACCOMPANYING VIDEO:

http://www.youtube.com/watch?feature=player_embedded&v=ZkGzG-NPous

Judge Manoukian,
Little update. I called [redacted] yesterday afternoon and spoke to him regarding your issues of him posting propaganda about you on the internet. I explained to [redacted] even though he has not committed any crime he is on the line of doing so. I demanded I tell him what crimes he might be in violation of and wanted the penal code sections. I told him to look at 653 (a), 622 and possibly 187. As soon as I mentioned 187, Mr. [redacted] became very defensive and started yelling that he would never consider such thing. I told him, that by sending your picture to lawless America, he might jeopardize your safety because the owner of that site Bill Windsor has made numerous threats to judges, posted pictures of himself carrying firearms.

I told [redacted] if Bill Windsor should ever come to this state and confront you, he could be partly responsible. Due to the fact he sent your picture to that site and posted where you live.

[redacted] told me he was sorry for the inconvenience and hung up.

I’m following up on the Lawless America website. I’ll let you know as soon as I find something.

Deputy Robert Eng #2795

Deputy Eng was implying that it was my responsibility to physically prevent a film producer from coming to town, and trying to "criminalize" this media coverage.

This same sort of thing has happened repeatedly in case [redacted] and Santa Clara County Sheriff's department arrested me on two occasions because of media attention brought upon them by others & told me that I was to blame for it.
On both of those occasions, other organizations who had signed on to the same project had already claimed responsibility. I have no decision making power over these organization or other individuals for that matter.

Much more documentation is on its way.

I have court tomorrow afternoon, but will try to send something to you early in the morning and I can demonstrate this has been an going pattern.

Thank you,
Lt. Valenzuela, If internal affairs complaint 2015-09 was unfounded, then the San Jose City auditor must have made a huge mistake and you should probably notify them to let them know that they were imagining things that occurred leading to this audit, less than one month before case [redacted].


Judge LaDoris Cordell was very involved in these developments, so was I, San Jose police chief Chris Moore, Lieutenant Richard Weger, Lieutenant Michael Knox and others. The reason was because of problematic behavior of officers like Robert Rideway, who had worked security at Markham Plaza and the Plant Shopping center across the street.

Not only did my work expel many of the problem officers from the Plant Shopping center and Markham Plaza, I also helped to change the problem policies that allowed these officers such as Ridgeway to misbehave the way that they did.

Why is it that Detective Carroll's bizarre report shows a completely different picture these events?

Since you insist that you conducted a thorough and complete investigation confirming that the audit was wrong, then you should tell the San Jose police chief that he needs to check with sheriff Detective Carroll first because obviously Detective Carroll knows better how to run SJPD than the police chief.

How is it that you, or Detective Carroll have the audacity to claim that you understand these events better than those of who were there and actively participated?

Robert Ridgeway's fraud and the EAH Housing scandal did not make me look foolish, it made them look foolish.

How do you expect not appear foolish yourself by reconfirming things that are already proven false? How does that make you appear before the commission?

Did you ever stop to think of why they appear so foolish?

If your investigation was legitimate, and you had truly examined the evidence and interviewed the witnesses, it could not yield the results of unfounded, without claiming that the audit was wrong also. So therefore, you are claiming that the City auditor was wrong, Judge Cordell was wrong, that the chief of police was wrong, etc.

So you claim we were all wrong and Detective Carroll was right, yet Detective Carroll was the only one NOT INVOLVED.

How does Detective Carroll know more about these events than those who participated the events, and you claim HIS VERSION IS MORE ACCURATE THAN OURS.
Don't forget that it was the residents of Markham Plaza who invited me there to advocate for protection of their rights from the abuses by property management and these officers violated the rights of the residents in violation of C 1503 (revised)

The residents selected me for a reason because they knew that I could do the job and because of my well established and proven track record

The audit results reconfirm that the residents chose the right guy, and if you look closely, you will see that my fingerprints are all over that audit and I pressed hard to drive those well needed reforms.

I have proven it with SJPD, and if you insist, I can easily prove it again with your department.

Detective Carroll was not engaged with the resident community the decision made by residents and their reasoning, and their reason for making these decisions is a major part of the reason why the audit occurred and yielded the resulted that if dud

You did NOT prove Detective Carroll was right and you did not un-prove the audit. The only thing you proved was your own incompetence, which helps explain the casualty rates of inmates and the public does not trust you!

My track record, competence and credibility has already been proven and my work has yielded tangible positive results.

So why do you claim to be better qualified to judge me, or claim I am behaving wrongly.

Leave me the alone and fix your damn department.
This is transcript of the VERY FIRST conversation that I ever had with Mr. Bassler.

This conversation occurred after my arrest. He was the director in charge of the project that led to my first arrest.

I had no decision making power this project or the organization. He reconfirmed in this transcript that he delegates projects to others. He had never delegated any projects to me & we had never spoken before.

After detective Carroll attached my name to Basslers project, and blamed me for it, they fabricated crime spike in SJPD Yellow-5, and blamed this on the project.
San Jose Police Dept. confirms the crime spike did not occur.

Thank you,
November 25, 2014

[User A] Thanks for the add. Much in common. [User B] is a good friend & we worked on several projects together.

Jason Bassler

November 25, 2014

Oh right on, thanks for friending me! Keep up the great work!

November 26, 2014

[User A] You too

November 26, 2014

[User A] What's your email?

Jason Bassler

November 26, 2014

[User A] I can remember that :-(

December 3, 2014

[User A] See your email? Is there # I can reach you?

December 3, 2014

Hello?

December 7, 2014

Jason Bassler

Hello [User A] How you doing? Sorry, I have been extremely busy and about to go out of town. Hopefully you understand.

December 7, 2014

Yes of course. (You sound just like [User B] (-: )
Jason Bassler  
He seems like a busy guy.

I got railroaded bad & [redacted] said to talk to you.

Jason Bassler  
I am semi familiar with your story/case. Please forgive me we write 5-6 stories a day

I understand.  
You do great job. ( I must have done good job too if they want me that bat to do what they did )

Jason Bassler  
Yes, I understand  
How can I help?

Can I call you?

Jason Bassler  
I'm am waiting for a friend who should be here shortly for dinner. I actually just traveled all day to LA. Honestly now is not a good time.

Search warrant was issued for facebook comments.

Jason Bassler  
I see. We will talk soon. If you'd like I can pass your story on to our writers and see if anyone wants to cover it. I don't write, but I do have writers who work on commission. They choose what stories to cover not me.
Please share this resource with the members of the Blue Ribbon Commission on Improving Custodial Operations:

A Country Called Prison: Mass Incarceration and the Making of a New Nation
(Mary Looman and John Carl - 2015)

The section called Summary of Proposals (p. 199) has many suggestions and recommendations for improvement that could also apply to County jail operations.

Bibliography has many useful references, too.

I just started reading this and it is useful to me and others may find this true for them, too.

Thank you,
Gail Price
For tomorrow...

Sent from my iPhone

Begin forwarded message:

From: Patricia Gardner <PatriciaG@svcn.org>
Date: November 19, 2015 at 4:58:17 PM PST
To: Megan Doyle <Megan.doyle@bos.sccgov.org>
Subject: for the blue ribbon commission hearing

Megan

Here is our written comments for the Blue Ribbon Commission Meeting on Saturday. Please post or distribute which ever is the policy

Thanks
To: Santa Clara County Blue Ribbon Commission

As the Santa Clara County Blue Ribbon Commission to Improve Custody Operations continues to conduct its meetings, the Jail Reform Coalition would like to provide input on direction of the Commission’s inquiry. The Jail Reform Coalition is focusing on certain themes with informed partners to provide thoughtful and pragmatic recommendations and remedies.

We have highlighted some initial concerns that the Jail Reform Coalition finds imperative for the Blue Ribbon Commission to address. We have provided some fact sheets on:

1. Mental health services for inmates in custody
2. Review of the Inmate Welfare Fund
3. Improvements to programming and services within the jail
4. Review of inmate classification and grievance procedure

These reports include background information, links to past studies on our jails that were conducted by MGT, an independent consultation group, and our key areas of concerns. We believe that through exploring these areas and identifying necessary shifts within the jail system, that Santa Clara County can provide a safer, fairer and truly more rehabilitative environment for all inmates, especially those with mental health concerns. As we explore these topics further over the next few weeks, we will be developing specific recommendation suggestions to the Commission. In addition, we have experts and resources within our Coalition that are willing to provide testimony to the Commission.

We have also identified some additional areas of concern to consideration by the Commission for inquiry. Those are:

5. Training protocols for Staff, Correction Officers and Sheriff’s
6. Independent Oversight of the Jails

The Jail Reform Coalition is interested in the Commission review best practices that will produce a safer and more rehabilitative environment. We believe these 6 key focus areas should incorporate into
our inquiry. We believe recommendations from the Blue Ribbon Commission will produce new policies and identify integral shifts needed to foster more humane practices within the jails.

For more information contact SVCN at patriciag@svcn.org
1. Mental Health Services for Inmates in Custody

Improvements to admitting protocol, including diversion and medication management

Background

Admitting Protocol

Currently, inmates arriving at the jail are given a comprehensive health screening of their physical health, mental health, and substance issues. The arresting police officer must wait until it is determined that the inmate is appropriate for jail. Unfortunately, the only reasons for a person to be deemed inappropriate are physical health concerns. If the person has severe mental health needs, they are retained and directed to the 8A unit. There is no alternative, even if the person’s crime is primarily mental health related (i.e. disturbing the peace).

In addition, mental Health screenings and assessments are not always immediately completed during initial processing. This undermines the reality and severity of the mental health conditions faced by inmates entering the jail. To further complicate the processing protocol, the Jail does not have access to County health systems data and information on the inmate’s previous medical and mental history records. At best, this only lengthens the process for the inmate to receive the proper care and housing in order to begin the journey of rehabilitation. This is a growing problem as the amount of inmates with acute mental illnesses grows.

The effort and resources of the Jail are not accommodating this increasing population with mental health issues. As mentioned, inmates with severe or acute mental health needs are processed and housed in Unit 8A. Often there is not an adequate number of beds available in this unit. These beds are usually designated without reference to health records which are not often shared or considered when deciding treatment for an inmate

Medication Management

Medical history is often not available through the County Health portal EPIC or the Mental Health System-Concentrix. Therefore, even for inmates whose primary medical or mental health services are provided within the County system of care there can be an extremely long time before a person is assessed and medication is dispensed. This includes a range of medication from treatments for diabetes to psychotropic medications.

Concerns

- Improve the intake assessment of an inmate’s physical AND mental health medical history to ensure that an inmate is properly processed for his or her mental health issues
- Ensure direct access to County health and mental health record systems of Epic and Concentrix for diagnosis, medications, treatment plans etc.
- Review of the amount of time an inmate has to wait to be properly treated and to receive the appropriate mental health services and medications
- Link Custody Health with Outpatient Mental Health Service providers, allowing for inmates to provide consent for communication with their existing mental health provider to ensure continuity of services, medications and community connectedness.
Our coalition continues to review the behavioral health intersect within the jail but we also offer these key topics of concern:

A. Decrease the amount of time a person waits in custody to receive mental health as well as drug and alcohol services
   - Review the disconnect between the Custody Health Department and the Behavioral Health Department, to increase the effectiveness of the Jail’s ability to properly screen inmates and provide them with the proper mental health services after intake
   - Review the adequacy and number of acute mental health beds that are in block 8A
   - Review the bed usage and placement of inmates who need chronic and severe mental health issue treatment within the general population when 8A is at capacity

B. Provide Substance Abuse Treatment in Custody
   - Review the adequate and available substance abuse services provided to inmates beyond detoxification, and look at provision of services that addresses and treats the underlying addiction problem
   - Identify best practices for providing substance abuse treatment in a custody setting

C. Improve transition from the jails to the community
   - Assess the transition for mentally ill inmates leaving the jail and their ability to receive adequate outpatient services after release
   - Review the release of health records to providers upon release

D. Integrate services with co-occurring Mental Health and Substance Use needs
   - Develop integrated care models
   - Access, expand and utilize the current provider network and system for integrated aftercare and outpatient services.
2. Review of the Inmate Welfare Fund

Background

The Inmate Welfare Fund (IWF) is a state-defined fund whose proceeds are to be used “primarily for the benefit, education, and welfare of the inmates confined within the jail.” State and local policy requires that at least 69% of all IWF expenditures must be for “direct services,” which involve direct assistance for counseling, training and education of inmates. No more than 31% can be for “indirect services,” which are to support, administer or facilitate direct services.

In 2014, the Inmate Welfare Fund was audited by Harvey Rose Associates, which provided the following results about where the money comes from and how it is allocated:

1. IWF budget for 2015-16 is $3.70M
2. 98.5% ($3.64M) of the revenue is derived from commissions from telephone and commissary use *all funded by inmate families and friends*
3. Based on an average jail population of 3,600 inmates: the average fund “contribution” per inmate is $2.77/inmate/day, $83/inmate/mo
4. *How* is this money being used *for the welfare of the inmates*?
   a. 80.8% ($2.98M) for “Salaries & Benefits”
      i. Assignment Officer, Commissary & Programs Staff, IWF Fiscal & Admin Staff, Classification, Operations/Warehouse.
   b. 13% ($0.48M) for “Inmate Program & Service Contracts”
   c. 5.2% ($0.19M) for “Inmate Expenses”
      i. Athletic Equipment, Games, Grooming Equipment, Hot Water Pots, Inmate worker incentive beverages & meals, & Equipment repair.
   d. 1.3% ($0.05M) for “Operating Expenses”
      i. Office Supplies, IWF Audit, & Misc.
5. *Where* is this money being used?
   a. There are 14 Inmate Programs funded in full or in part by the IWF. Of these, 2 are offered at the Main Jail, 12 are offered at Elmwood. About 40% of the inmates are at Main Jail, 60% are at Elmwood. In other words, Main Jail generates about 40% of the IWF revenue, but only receives about 14% of the IWF-funded programming.

Concerns

November 2015
• 80.8% of the Inmates Welfare Fund, of which 98.5% is provided by inmate families and friends, is used for salaries and benefits
• The Main Jail generates about 40% of the IWF revenue, but only receives about 14% of the IWF-funded programming
• The only source of this revenue are friends and family members of inmates
• Inmate telephone rates
3. Improvements to programming and services within the jail

Background

Issues related to Programming have been identified in three recent public studies. The first was the MGT Jail Needs Assessment/Facilities Study commissioned by Santa Clara County in 2014, with the final report being provided to the Board of Supervisors in December, 2104\(^1\). Programming is primarily mentioned on pages 72-78 of this report. The second was an investigation conducted by the 2014-2015 Civil Grand Jury which reviewed the limited programming available to women at Elmwood\(^2\). The third was an audit of the Inmate Welfare Fund (IWF) conducted by Harvey Rose Associates and published in December, 2014\(^3\).

The MGT study found that “For the most part, those in-custody programs are delivered in the housing units and almost exclusively in Elmwood housing units”.

Those housed in a few pods in MJN are offered participation in some programs such as working on a GED, attending AA and NA groups when volunteers are permitted in, going to church services or bible study and participating in some programs that address topics such as trauma or parenting.

However, for the vast majority, the only program available is “Roadmaps to Recovery”, a journaling packet exercise.

The MGT study sites space as a limitation and sites the concern that programs are determined by the housing assignment made by the classification staff. They further state that, “Because the programs are delivered in large measure in housing units, the recipients of the programs are determined by the housing assignment made by the classification staff. The housing unit assignment is generally based on the inmates’ custody classification, not by the level of programming needs. As a result, inmates assigned to a housing area may have the same level of custody classification but could have many different levels of program needs and differing levels of risk to reoffend.”

The MGT study states that research on the relationship between inmate risk and inmate needs has demonstrated that the greatest benefit is achieved when program resources are targeted on those inmates in the high risk/high need category, with the least benefit being realized when targeted at low risk/low need inmates. Contrary to this evidence-based practice, SCC places the vast majority of its programming resources on low risk/low need inmates and very limited to no programs to high risk/high need inmates.

Concerns

- Programming based on classification needs review
- Programming for women in the Jail needs review for gender specific and relevancy
- The amount of days allowed for visiting per week
- Description of available inmate programs and the intended outcomes should be defined
- Program evaluations should be implemented to gauge impact and outcome from the inmates
4. Improvements to Inmate Classification Protocol

The Jail Reform Coalition also feels concerned about the classification protocol in the Jail and the effectiveness of the current system in meeting the needs of each inmate.

Background

Issues related to Classification have been identified in two recent public studies. The MGT Jail Needs Assessment/Facilities Study commissioned by Santa Clara County in 2014, with the final report being provided to the Board of Supervisors in December, 2014). Classification is primarily mentioned on pages 87-93

The second was an investigation conducted by the 2014-2015 Civil Grand Jury how classification impacts women at Elmwood

Concerns

- Classification system is too complex and does not provide clear priority or weight to any area of the system
- Lack of objectivity and defined legal factors to identify custody and security requirements to offenders
  - Lack of specificity in scoring instructions
  - Lack of a full view of the inmate’s behavior and history
    - MGT states that 20% of inmates identified as maximum custody are classified that way due to their criminal charges, not their behavior.
- Classification memos in audits indicated that “staff coded many inmates incorrectly”. Basic policy and procedures have not been updated since April, 2008
- Lack of system automation and integration
  - Reliant on manual tracking
5. County Jail Oversight

In order to instill confidence in the complaint process involving the Sheriff’s Department and the Department of Corrections, an Office of Independent Auditor should be established to provide both independent oversight and investigation of complaints of misconduct.

Complaints of misconduct will be conducted by independent civilian investigators of the Independent Auditor’s Office. The Office of Independent Auditor may:

- Compel production of sheriff /department of corrections records
- Compel statements from officers
- Subpoena documents and evidence
- Subpoena witnesses
US Mail
Correspondence
In re

On Habeas Corpus

I, CHERYL A. STEVENS declare as follows:

1. I am an attorney licensed to practice law in the State of California and I am a Deputy County Counsel for the County of Santa Clara and I represent the Santa Clara County Department of Correction (“DOC”). The facts set forth herein are based on my own personal knowledge and if called as a witness I could and would competently testify thereto.

2. I have reviewed the Order to Show Cause regarding [REDACTED] Writ of Habeas Corpus regarding overcrowding in the Santa Clara County Main Jail and specifically statements made to him by main Jain captain, Captain Blanca Hoyt. I submit this response on behalf of Captain Hoyt and John Hirokawa, the Chief of the Department of Correction.

3. Attached hereto as Exhibit A is a true and correct copy of the relevant sections of the April 24, 2014 Biennial Inspection report from the Board of State and Community Corrections.
4. Exhibit A is the document Captain Hoyt was referring to when she advised Mr. [redacted] that the housing units were found to be in compliance with Title 15 and Title 24 standards according to the Board of State and Community Corrections.

5. The Department of Correction is in full compliance with its obligations under Title 15 and Title 24. Accordingly, the County requests this petition for habeas corpus be denied.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 29th day of September 2015 in San Jose, California

[Signature]

CHERYL A. STEVENS
April 24, 2014

Laurie Smith, Sheriff
Santa Clara County Office of the Sheriff
55 West Younger Avenue
San Jose, CA 95110-1721

Dear Sheriff Smith:

2012-2014 BIENNIAL INSPECTION – PENAL CODE SECTION 6031

The Board of State and Community Corrections (BSCC) conducted the 2012-2014 biennial inspection of the Elmwood Complex Men’s Facility (EMF) and Women’s Facility (EWF) on January 14 and 15, 2014 and Santa Clara County Main Jail (MJ) on January 21 and 22, 2014.

The inspections were conducted pursuant to Penal Code Section 6031.1 and included an assessment of compliance with Titles 15 and 24, California Code of Regulations, Minimum Standards for Local Detention Facilities. In addition, BSCC staff conducted compliance monitoring pursuant to Welfare and Institutions Code (WIC) Section 209(f) for the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) for the separation requirements of juveniles from incarcerated adults.

The complete BSCC inspection report is enclosed and consists of:

- This transmittal letter;
- Attachment A summarizing local health and fire inspections;
- Consolidated Procedures Checklist for the facilities outlining applicable Title 15 sections;
- Physical Plant Evaluations outlining Title 24 requirements for design;¹ and,
- Living Area Space Evaluations summarizing each facility’s physical plant configurations.

We encourage continuing the practice of maintaining a permanent file for historical copies of all inspections and related corrective action responses. This file should be the first point of reference when preparing for all future inspections.

Inspections of this nature create significant demands on resources already burdened by the day-to-day operations of the facilities. We appreciate the focus, assistance, patience and availability

¹ Facilities are assessed against Title 24 requirements in place at the time of design or significant remodel to the jail area.

5120 5140 5180 Santa Clara SO II LTR: 04/24/2014
of your staff during the entire process. We especially want to thank Correctional Deputy Valerie Bolduc for devoting the extra time and effort needed to prepare for a successful inspection. We found your agency to be well prepared with facility staff having information and documentation readily available in anticipation of any questions or concerns we had.

The inspections were preceded by a desk audit of applicable sections of the Santa Clara County Department of Correction Office of the Sheriff Custody Bureau Policy and Procedure Manual governing the operation of the facilities. Policy content was reconciled against relevant Title 15 regulations to ensure that each subject required by regulation was addressed in policy.

The inspections concluded with an exit briefing at Elmwood attended by Captains Kevin Heilman, Blanca Hoyt and Dave Sepulveda.

Local Inspections

In addition to a biennial inspection by the BSCC, inspections are also required annually by the County Health Officer and biennially by the State Fire Marshal or an authorized representative (Health and Safety Code Sections 101045 and 13146.1). Please consider our report in conjunction with the reports from the County Health Officer and the respective fire authorities for a comprehensive perspective of your facilities. See Attachment A for a consolidated listing of all local reports and evaluations.

BSCC Inspection

Policy, Procedure and Practices System Wide:

All three facilities operate as a system; therefore, policies and procedures reviewed are applicable to each. Staff members are constantly in the process of reviewing and revising policies. We suggested some modifications be considered during the normal course of the review process. A primary concern identified during the policy review related to Title 15, Section 1081 Plan for Inmate Discipline. This issue was resolved and as a result, no issues of non-compliance with Title 15 were identified. Refer to the Procedures Checklist for policy review comments.

The inspections began at each location with an evaluation of documentation provided for review. During this time we were able to evaluate documentation on inmate safety checks, use of sobering cells, use of safety cells, restraint placements, exercise records, grievances, disciplinary and incident reports, and a review of fire/life safety inspection records. With few exceptions, and those exceptions not rising to the level of non-compliance, documentation reviewed was found to be complete, timely and compliant with applicable regulations.

2 BSCC does not review all of your policies and procedures. We only review those policies related specifically to the applicable regulations included in Title 15, Minimum Standards for Local Detention Facilities, for issues of non-compliance. We do not "approve" your policies nor do we review them for constitutional or legal issues. We recommend agencies seek policy review through their legal advisor, risk manager, and other persons deemed appropriate.
Sobering Cell, Safety Cell and Restraint Placements

Among the highest risk areas in detention, sobering cell, safety restraint and safety cell placement require careful attention to detail to provide maximum protection to the inmate involved while reducing the agency's exposure to litigation. Our review of documentation included an examination of incident reports prompting placements, corresponding documentation recording safety checks, staff observations of inmates with notation of condition, continued retention schedules, placement and removal times, nutrition/ fluid offers, and finally, extremity exercise, where applicable.

Custody managed safety cell and safety restraint placements are rare events in this system and the few records available for review were compliant with regulation and corresponding policy. At MJ the sobering cell is rarely used for its intended purpose. Inmates in need of sobering are seated in the booking area lobby with normal security restraints, as needed. The sobering cell is primarily used as a restroom for inebriates and occasionally as an additional holding cell. Your agency is reminded that when the sobering cell is used as a holding cell for other than sobering purposes the facility is non-compliant with Title 15, Section 1056 Use of Sobering Cell.

Inmate Programs – Evidence-Based Practices

The Santa Clara County Office of the Sheriff Custody Bureau Program's Unit is in partnership with Santa Clara County Probation Department and provides In-Custody, Alternative Sentencing and Court Ordered Programs to inmates to create a strong foundation in recovery as they transition back into the community. General Education Development, Adult Basic Education is offered to minimum and medium security inmates through Milpitas Adult Education. Reentry Correction Program is a 3-phase program providing an eight to 10 week intensive and comprehensive in-custody program that includes re-entry preparation, job readiness, substance abuse education, criminal thinking, relationships, conflict resolution, and anger management as required components. Elective components include trauma recovery, parenting, computers, meditation and health realization. Second phase programming is an out-of-custody program held at the Reentry Resource Center. As a day reporting center, Rehabilitation Officers provide case management and connect participants to community resources in addition to providing follow-up classes in previously noted curriculum. The third phase consists of intensive probation with monitoring by the Santa Clara County Probation Department with clean and sober living arrangements as a requirement.

We are pleased to see these and many other programs that are available to meet the ultimate goal of reducing recidivism. We encourage every effort to continue to provide and further pursue evidence-based practices and programs where an emphasis is placed on achieving measurable outcomes to ensure that the services provided and the resources used are effective.

System-Wide Discussion

Throughout the course of our inspections, interviews with staff found them knowledgeable on Title 15 and related issues. Interviews with inmates disclosed that they felt safe and that mandated activities such as visits, library, clothing/bedding exchange, etc., were being met.
Some concern was raised over access to out-of-cell time and exercise, a situation that staff is addressing. Inmates assured us that medical staff was responsive to their requests and expressed no complaints about the grievance or disciplinary processes.

**Physical Plant Inspections**

**Santa Clara County Main Jail:** The Main Jail Complex is comprised of the old Main Jail South, completed in 1956, and the Main Jail North, completed in 1988. The complex is evaluated as a Type II facility using the 1963, 1980 and 1988 Minimum Standards for Local Detention Facilities that were in effect at the time of original construction or significant remodel. The facility has a BSCC rated capacity of 1356 with 1549 actual beds. There were 1382 inmates in custody on January 21, 2014. The facility as a whole was clean and appeared well maintained. The old South Jail requires constant maintenance due to its age. Due to crowding, the following Title 24 regulations continue to be non-compliant:

Title 24, Section 1231.6, Single Occupancy Cells. Some of the single cells on the 4th and most on the 5th–7th floors have additional beds. Pursuant to Section 1231.3, some of the cells do not have seating as required by regulation.

Title 24, Section 8227, Multiple Occupancy Cells: The Multiple Occupancy Cells in the South Jail contain more beds than the standards for square footage allow.

Title 24, Section 1231.2.8, Dormitories. Dormitories in the South Jail contain more beds than the standards for square footage allow.

**Elmwood Complex:** Originally constructed in 1932, and subsequently expanded and remodeled, the Elmwood Complex is comprised of both a men’s and women’s section and is evaluated as a Type II facility using the 1963, 1980, 1986 and 1991 Minimum Standards for Local Detention Facilities that were effective beginning in 1963 and when various areas were remodeled or additions made to the complex. The Men’s Facility has a BSCC rated capacity of 2316 with 3327 actual beds and had 2065 inmates in custody at the time of the inspection. The Women’s Facility has a BSCC rated capacity of 634 with 720 actual beds and had 512 inmates in custody on the day of the inspection. The facilities were clean and had on-going maintenance issues apparent, but no deferred maintenance issues were noted or expressed by staff. Due to crowding at the complex the following Title 24 regulations continue to be non-compliant:

**Men’s Facility:**
Title 24, Section 1231.2.8, Dormitories. Some of the dormitories exceed their rated capacity with additional bunks. Pursuant to Section 1231.3.4, Showers, the ratio of inmates to showers is exceeded in crowded dormitories.

**Women’s Facility:**
Title 24, Section 1231.2.6, Single Occupancy Cells. Some single occupancy cells in W-4 have additional bunks.
Title 24, Section 1231.2.8, Dormitories. W-2 dormitories have bunks exceeding rated capacity. Pursuant to Section 1231.2.9, Dayrooms, tables/seating is not sufficient for the population.

Title 24, Section 1231.3.4, Showers. In Station 1 and 2, the ratio of inmates to showers is exceeded in crowded dormitories.

**Juvenile Justice and Delinquency Prevention Act Compliance Monitoring:**

In accordance with the JJDPA, BSCC monitors jail facilities for compliance with one of four core requirements of the Act - Separation of Juveniles from Incarcerated Adults. Minors are not held at any of the facilities; therefore, no violations of the JJDPA were identified.

**Corrective Action Plan:**

No Corrective Action Plan is required. If updates, renovations or remodels occur to correct any of the Title 24 compliance issues related to crowding please advise us for a re-evaluation.

This concludes our inspection report for the 2012-2014 inspection cycle. We would like to thank all staff involved in the inspection process for the hospitality and courtesy extended during the visits. If you have questions, concerns, or if we can be of any assistance to you, please contact me at (916) 445-1322, or email at ron.bertrand@bsoc.ca.gov.

Sincerely,

RONALD L. BERTRAND
Field Representative
Facilities Standards and Operations Division

Enclosures

cc: County Administrator, Santa Clara County*
Chair, Board of Supervisors, Santa Clara County*
Presiding Judge, Superior Court, Santa Clara County*
Grand Jury Foreman, Superior Court, Santa Clara County*
John Hirokawa, Chief of Correction, Santa Clara County Office of the Sheriff
Kevin Heilman, Captain, DOC, Santa Clara County Office of the Sheriff
Dave Sepulveda, Captain, DOC, Santa Clara County Office of the Sheriff
Blanca Hoyt, Captain, DOC, Santa Clara County Office of the Sheriff

* Copies of the complete report are available on request.
Attachment A

Santa Clara County Office of the Sheriff
Department of Corrections

Local Inspections on file with the BSCC as of 1/22/2014

<table>
<thead>
<tr>
<th>Inspection</th>
<th>Date</th>
<th>Compliance Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>5120 Santa Clara County Main Jail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire and Life Safety</td>
<td>6/19/2012</td>
<td>Fire Clearance Granted.</td>
</tr>
<tr>
<td>Health-Environmental</td>
<td>10/10/2013</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>Health-Medical/MMH</td>
<td>10/10/2013</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>Health-Nutrition</td>
<td>10/10/2013</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>5140 Elmwood Men's Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire and Life Safety</td>
<td>12/1/2013</td>
<td>Inspection completed.</td>
</tr>
<tr>
<td>Health-Environmental</td>
<td>9/19/2012</td>
<td>Ongoing maintenance issues. No compliance issues.</td>
</tr>
<tr>
<td>Health-Medical/MMH</td>
<td>9/19/2012</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>Health-Nutrition</td>
<td>9/20/2012</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>5180 Elmwood Women's Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire and Life Safety</td>
<td>12/1/2013</td>
<td>Inspection completed.</td>
</tr>
<tr>
<td>Health-Environmental</td>
<td>10/17/2012</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>Health-Medical/MMH</td>
<td>10/17/2012</td>
<td>No deficiencies</td>
</tr>
<tr>
<td>Health-Nutrition</td>
<td>10/17/2012</td>
<td>No deficiencies</td>
</tr>
</tbody>
</table>
**BOARD OF STATE AND COMMUNITY CORRECTIONS - BIENNIAL INSPECTION**  
**ADULT DETENTION FACILITY**  
**LIVING AREA SPACE EVALUATION**

**CITY:** Santa Clara County-Main Jail  
**TYPE:** II  
**RC:** 1356  
**DATE:** 1/21-22/2014

**FIELD REPRESENTATIVE:** Ron Bertrand

---

**ROOMS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1, 2</td>
<td>Holding</td>
<td>1988</td>
<td>2</td>
<td>-</td>
<td>(16)</td>
<td>-</td>
<td>19.0' x 9.5'</td>
<td>1</td>
</tr>
<tr>
<td>T3, 4</td>
<td>Holding</td>
<td>1988</td>
<td>2</td>
<td>-</td>
<td>(16)</td>
<td>-</td>
<td>18.5' x 10.0'</td>
<td>1</td>
</tr>
<tr>
<td>T5, 6, 7</td>
<td>Holding</td>
<td>1988</td>
<td>3</td>
<td>-</td>
<td>(8)</td>
<td>(24)</td>
<td>10.0' x 9.6'</td>
<td>1</td>
</tr>
<tr>
<td>T8, 9,10</td>
<td>Holding</td>
<td>1988</td>
<td>3</td>
<td>-</td>
<td>(4)</td>
<td>(12)</td>
<td>8.5' x 7.2'</td>
<td>1</td>
</tr>
<tr>
<td>T11</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>-</td>
<td>(3)</td>
<td>(3)</td>
<td>8.5' x 7.2'</td>
<td>1</td>
</tr>
</tbody>
</table>

**Notes:** Less 15 sq. ft.; two 14' benches (c 18 feet of bench). "T" denotes transportation room. Prior LASE listed applicable standards of 1980. Unclear how RC was established, as 1980 standard for toilets is 1:8. However, by applying 1988, later less restrictive standards, it allows for a 1:16 toilet ratio.

**INTAKE A - Male Booking/Receiving Area**

<table>
<thead>
<tr>
<th>Location</th>
<th>Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-3-C</td>
<td>Safety</td>
<td>1988</td>
<td>3</td>
<td>-</td>
<td>(1)</td>
<td>(3)</td>
<td>5.8' x 8.8'</td>
<td>1</td>
</tr>
<tr>
<td>I-1</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>-</td>
<td>(8)</td>
<td>(8)</td>
<td>15.6' x 6.9'</td>
<td>1</td>
</tr>
<tr>
<td>I-2</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>-</td>
<td>(12)</td>
<td>(12)</td>
<td>15.5' x 9.5'</td>
<td>1</td>
</tr>
<tr>
<td>I-3</td>
<td>Sobering</td>
<td>1988</td>
<td>1</td>
<td>-</td>
<td>(7)</td>
<td>(7)</td>
<td>15.4' x 9.6'</td>
<td>1</td>
</tr>
<tr>
<td>I-4</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>-</td>
<td>(14)</td>
<td>(14)</td>
<td>15.4' x 9.3'</td>
<td>1</td>
</tr>
</tbody>
</table>

**Notes:** Padded floor; three wall-mounted phones; seating added; they have been using it as a holding cell; depth of 15'4" to back wall, however, it is 11'8" to the padded partition that separates the room from the above with W/F and T facilities in it.

*T = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit; If "Total RC" appears in brackets (), it is not part of the facility's rated capacity. "+" indicates that capacity includes prorated air space from adjacent areas.
### ROOMS

<table>
<thead>
<tr>
<th>Location</th>
<th>Type</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-6</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>(5)</td>
<td></td>
<td>(5)</td>
<td>8.8' x 8.0'</td>
<td>1 - 1 - 1 - 1 -</td>
<td></td>
</tr>
<tr>
<td>Notes: 8’ bench; less 8 square feet; prior LASE listed 9’ bench; re-measured 98-00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-7</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>(4)</td>
<td></td>
<td>(4)</td>
<td>8.6' x 6.5'</td>
<td>1 - 1 - 1 - 1 -</td>
<td></td>
</tr>
<tr>
<td>Notes: 6.4’ bench, irregular shaped room; prior LASE listed 9 ft bench, re-measured 98-00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-8 to 1-10</td>
<td>Holding</td>
<td>1988</td>
<td>3</td>
<td>(4)</td>
<td></td>
<td>(12)</td>
<td>8.8' x 6.5'</td>
<td>1 - 1 - 1 - 1 -</td>
<td></td>
</tr>
<tr>
<td>Notes: 6.6’ bench in each cell (prior LASE listed 9’); re-measured 98-00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-11</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>(2)</td>
<td></td>
<td>(2)</td>
<td>Not measured</td>
<td>1 - 1 - 1 - 1 -</td>
<td></td>
</tr>
<tr>
<td>Notes: Irregular shape (not measured); 4’ bench Dimensions are irregular.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### INTAKE B - Female Booking/Receiving Area

Note: Restroom available in lobby area for inmate use.

| 1-12     | Holding | 1988 | 1                    | (7)     |         | (7) | 10.3’ x 7.6’ | 1 - 1 - 1 - 1 - |
| Notes: Two wall-mounted phones; partition was padded since last inspection; floor padded, grates grid space large suggested replacement, if use as Sobering (same as with Intake A safety cells); round pillar extends into room about 2.3’ making square footage slightly less than calculated from dimensions. Prior LASE listed RC as (4) – was based on fact there was a 6’ bench in cell. Listed as Holding Cell on last LAS; however, does not meet the physical plant standards for one. Does meet those for Sobering Cell. Would be changed this cycle. If department wishes to utilize this as a holding cell, will need to install seating. |

During the 2012-2014 cycle this cell was closed for restroom use only.

| 1-13     | Holding | 1988 | 1                    | (7)     |         | (7) | 10.3’ x 7.3’ | 1 - 1 - 1 - 1 - |
| Notes: Same as 1-12 except no pillar in room. Prior LASE listed RC as (7), as room used to contain a 12’ bench, if used as Sobering, RC would be (4). |

| 1-14     | Holding | 1988 | 1                    | (1)     |         | (1) | 8.3’ x 6.3’ | 1 - 1 - 1 - 1 - |
| Notes: 12’ bench, partition (not padded), two wall-mounted phones, sq. ft limits capacity. |

### CLASSIFICATION - see notes under individual cells. Changed applicable standards from 1980 to 1988 to reconcile RC with space and/or facility requirements. No impact on other cells.

| C-A      | Holding | 1988 | 1                    | (3)     |         | (3) | (not measured) | 1 - 1 - 1 - 1 - |
| Notes: 8 chairs (not fixed seating); Irregular dimensions; approximately 234 square feet; 2 phones; RC appears based on the number of seats, not footage (2010). Prior LASE listed applicable standards of 1980. 1980 standard for toilets/wash basins are 1.8. By applying 1988, later less restrictive standards, it allows for a 1:16 toilet ratio. Footage requirements the same. Changed applicable standards this inspection cycle so consistent with RC. |

| C-B      | Holding | 1988 | 1                    | (7)     |         | (7) | (not measured) | 1 - 1 - 1 - 1 - |
| Notes: 7 chairs (not fixed seating); Irregular dimensions; approximately 131 square feet. RC appears based on Seat not footage (2010). Prior LASE listed applicable standards of 1980. 1980 standard for toilets/wash basins are 1.8. By applying 1988, later less restrictive standards, it allows for a 1:16 toilet ratio. Footage requirements the same. Changed applicable standards this inspection cycle so consistent with RC. |

| C-1      | Holding | 1988 | 1                    | (3)     |         | (3) | (not measured) | 1 - 1 - 1 - 1 - |
| Notes: 6’ bench; Irregular dimensions; approximately 50 square feet. |

C-2, 3 Holding 1988 2 (4) (8) 8.9’ x 6.0’ 1 - 1 - 1 - 1 -

* T = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit; If “Total RC” appears in brackets (), it is not part of the facility’s rated capacity. “-” indicates that capacity includes prorated air space from adjacent areas.

S120 SC DOC MJ LAS:04/20/2014 - 2 -
### ROOMS

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th>EACH CELL</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>H-1</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>(4)</td>
<td>(4)</td>
<td>8.8' x 7.2'</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>H-2</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>(4)</td>
<td>(4)</td>
<td>(not measured)</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>C-4</td>
<td>Holding</td>
<td>1988</td>
<td>1</td>
<td>(15)</td>
<td>(15)</td>
<td>10.5' x 10.0</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>C-5-9</td>
<td>Holding</td>
<td>1988</td>
<td>5</td>
<td>(4)</td>
<td>(20)</td>
<td>10.0' x 7.0'</td>
<td>1 1 1 1</td>
</tr>
</tbody>
</table>

**Notes:** 6' bench; seating limits capacity.

**Notes:** 6' bench; seating limits capacity (prior LASE listed RC of 5).

**Notes:** 6' bench; irregular dimensions; seating limits capacity (prior LASE listed RC of 5).

**Notes:** One 14.1' bench and one 8.75' bench = 22.85 feet of bench (prior LASE listed bench as 16'); seating limits capacity. Prior LASE listed applicable standards of 1980. Appears RC was established using bench space; however, 1980 standard for toilets/wash basins are 1:8. By applying 1988, later less restrictive standards, it allows for a 1:16 toilet ratio. Footage requirements the same. Changed applicable standards this inspection cycle so consistent with RC.

**Notes:** 6' bench; seating capacity.

**NOTE:** Two (2) showers for receiving area are located in dress-out room. There are two more in a second room that was also used for dress-out but was converted to a SRT tactical room, these showers are not accessible to inmates (prior LASE indicated 4 showers, however, now there are only 2).

### 2nd MEDICAL FLOOR

- **consists of 3 housing areas**

**2-C - Infirmary** contains a bathroom area with 1-tub, and 2-showers for all 2D inmates.

| M-1      | Multiple | 1980 | 1 | 4 | Not rated | (not measured) | 1 1 1 1 |

**Notes:** Primarily used for female inmates.

| M-2, 3   | Single   | 1980 | 2 | 1 | Not rated | (not measured) | 1 1 1 1 |

**Notes:** Negative pressure rooms

| M-4-7    | Single   | 1980 | 4 | 1 | Not rated | (not measured) | 1 1 1 1 |
| M-8      | Single   | 1980 | 1 |   | Not rated | (not measured) | 1 1 1 1 |

**Notes:** Isolation room

| M-9-10   | Single   | 1980 | 2 | 1 | Not rated | (not measured) | 1 1 1 1 |
| M-11     | Multiple | 1980 | 1 | 10| Not rated | (not measured) | 1 1 1 1 |

**2-C** contains a bath area with 1-tub and 2-showers for 2C inmates

| M-12     | Multiple | 1980 | 1 | 4 | Not rated | (not measured) | 1 1 1 1 |
| M-13-19  | Single   | 1980 | 7 | 1 | Not rated | (not measured) | 1 1 1 1 |

**2-B Special Housing** contains a bath area with 1-tub and 2-showers for all 2B inmates; this is special housing for inmates using crutches, wheelchairs, artificial limbs, etc.

| S-1      | Single   | 1980 | 1 |   |   | 12.5' x 10.0'          | 1 1 1 1 |

**Notes:** Handicap cell, handrails by commode.

| S-2-5    | Single   | 1980 | 4 | 1 | 4 | 12.3' x 6.0'           | 1 1 1 1 |
| S-6      | Single   | 1980 | 1 | 1 | 1 | 12.3' x 10.0'          | 1 1 1 1 |

**Notes:** Handicap cell; handrails by commode.

| S-7-11   | Single   | 1980 | 5 | 1 | 5 | 12.3' x 6.0'           | 1 1 1 1 |
| S-12     | Single   | 1980 | 1 | 1 | 1 | 12.3' x 10.0'          | 1 1 1 1 |

**Notes:** Handicap cell; handrails by commode.

* T = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit; If "Total RC" appears in brackets ( ), it is not part of the facility's rated capacity. "*-*" indicates that capacity includes prorated air space from adjacent areas.
<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 13 - 16</td>
<td>Single</td>
<td>1980</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>12.3' x 6.0'</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 17</td>
<td>Single</td>
<td>1980</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>12.3' x 10.0'</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 18 - 20</td>
<td>Single</td>
<td>1980</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>12.3' x 6.0'</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 21 - 22</td>
<td>Single</td>
<td>1980</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>(not measured)</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 23 - 25</td>
<td>Single</td>
<td>1980</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>12.3' x 6.1'</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 26</td>
<td>Single</td>
<td>1980</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>12.3' x 9.0'</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 27 - 29</td>
<td>Single</td>
<td>1980</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>12.3' x 6.1'</td>
<td>T - 1</td>
</tr>
<tr>
<td>S 30</td>
<td>Single</td>
<td>1980</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(not measured)</td>
<td>T - 1</td>
</tr>
</tbody>
</table>

Notes: Handicap cell; handrails by commode.

S 26

Notes: Minimum 70 square feet. Handicap cell; handrails by commode.

S 27 - 29

Notes: Handicap cell; handrails by commode.

S 30

Notes: Handicap cell; irregular dimensions; handrails by commode.

4th FLOOR

4A - There is a total of 2475 sq. ft. of dayroom space which limits the rated capacity in each pod to 70. MJB 10/12

<table>
<thead>
<tr>
<th></th>
<th>Single</th>
<th>1980</th>
<th>32</th>
<th>32</th>
<th>1</th>
<th>32</th>
<th>12.3' x 6.0'</th>
<th>T - 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Double</td>
<td>1980</td>
<td>16</td>
<td>2</td>
<td>2</td>
<td>32</td>
<td>12.3' x 6.0'</td>
<td>T - 1</td>
</tr>
</tbody>
</table>

4B - Housing area consists of three distinct pods

| 4B 1-16 | Single | 1980 | 16 | 1  | 1 | 16 | 12.3' x 6.0' | T - 1 |

Notes: Two showers in dayroom.

4B 17 - 32

Notes: Two showers in dayroom.

4B 33 - 48

Notes: Two showers in dayroom.

4C - Housing unit consists of three distinct pods

| 4C 1 - 16 | Single | 1980 | 16 | 1  | 1 | 16 | 12.3' x 6.0' | T - 1 |
| 4C 17 - 32 | Single | 1980 | 16 | 1  | 1 | 16 | 12.3' x 6.0' | T - 1 |
| 4C 33 - 48 | Single | 1980 | 16 | 1  | 1 | 16 | 12.3' x 6.0' | T - 1 |

5th FLOOR

There is a total of 2475 sq. ft. of dayroom space which limits the rated capacity in each pod to 70. MJB 10/12

<table>
<thead>
<tr>
<th></th>
<th>Single</th>
<th>1980</th>
<th>32</th>
<th>32</th>
<th>1</th>
<th>32</th>
<th>12.3' x 6.0'</th>
<th>T - 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Double</td>
<td>1980</td>
<td>16</td>
<td>2</td>
<td>2</td>
<td>32</td>
<td>12.3' x 6.0'</td>
<td>T - 1</td>
</tr>
</tbody>
</table>

6th FLOOR

There is a total of 2475 sq. ft. of dayroom space which limits the rated capacity in each pod to 70. (Pod A & B have 95 beds). MJB 10/12

<table>
<thead>
<tr>
<th></th>
<th>Single</th>
<th>1980</th>
<th>1</th>
<th>1</th>
<th>1</th>
<th>1</th>
<th>12.3' x 6.0'</th>
<th>T - 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Double</td>
<td>1980</td>
<td>47</td>
<td>2</td>
<td>68</td>
<td>12.3' x 6.0'</td>
<td>T - 1</td>
<td></td>
</tr>
</tbody>
</table>

*T = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit. If "Total RC" appears in brackets (), it is not part of the facility's rated capacity. "+" indicates that capacity includes prorated air space from adjacent areas.

5120 SC DOC: M1 LAS/04/27/2014
<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Single</td>
<td>1980</td>
<td>32</td>
<td>32</td>
<td>1</td>
<td>32</td>
<td>12.3' x 6.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td></td>
<td>Double</td>
<td>1980</td>
<td>16</td>
<td>2</td>
<td>2</td>
<td>32</td>
<td>12.3' x 6.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td>C</td>
<td>Single</td>
<td>1980</td>
<td>47</td>
<td>1</td>
<td>1</td>
<td>68</td>
<td>12.3' x 6.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td></td>
<td>Double</td>
<td>1980</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7th FLOOR - There is a total of 2475 sq. ft. of dayroom space which limits the rated capacity in each pod to 70. (All pods have been double bunked). MIB 10/12

8th Floor Acute Psychiatric Unit – has 3 showers since unit for all inmates housed in 8A

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>8A 1-44</td>
<td>Special Use</td>
<td>1980</td>
<td>43</td>
<td>1</td>
<td>1</td>
<td>(43)</td>
<td>12.3' x 6.0'</td>
<td>1 - 1 1 2</td>
</tr>
</tbody>
</table>

Notes: Special use cell type. 8A2 Office Acute Mental Health Unit. Originally 48 beds, it now contains 43 actual beds with 5 cells converted to office space.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Safety</td>
<td>1980</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1)</td>
<td>10.5' x 6.0'</td>
<td></td>
</tr>
<tr>
<td>S2</td>
<td>Seclusion Room</td>
<td>1980</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1)</td>
<td>10.5' x 6.0'</td>
<td></td>
</tr>
</tbody>
</table>

Notes: Safety cell converted to a “seclusion room” in acute psychiatric care unit.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restraint Rm #1 Special Use</td>
<td>1980</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>Not measured</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Restraint Rm #2 Special Use</td>
<td>1980</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>Not measured</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>8B 1-48</td>
<td>Single</td>
<td>1980</td>
<td>48</td>
<td>1</td>
<td>1</td>
<td>48</td>
<td>12.3' x 6.0'</td>
<td>1 - 1 1 4</td>
</tr>
</tbody>
</table>

Notes: mental health down-class from housing 8A.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>8C 1-48</td>
<td>Single</td>
<td>1980</td>
<td>48</td>
<td>1</td>
<td>1</td>
<td>48</td>
<td>11.5' x 12.2'</td>
<td>1 - 1 1 4</td>
</tr>
</tbody>
</table>

SOUTH JAIL (Old Main Jail)

2nd Floor - East

<table>
<thead>
<tr>
<th>Location</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>250</td>
<td>1</td>
<td>1</td>
<td></td>
<td>10' x 6.3' x 9.0'</td>
<td></td>
</tr>
</tbody>
</table>

Notes: There is a room in the hall opposite dorm E marked as room 250. It is not used as cell, it has no furnishings or facilities, used as interview room or for storage.

E - Dorm > cells 250-255 operated as a dormitory (although none are specifically marked as 250-255). Has 5500 cubic airspace for a total rated capacity of 11 - equipped with 18 beds. Prior LASE lists E-dorm as the former juvenile housing area. Over capacity for space and facilities.

<table>
<thead>
<tr>
<th>Location</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>250</td>
<td>1</td>
<td>1</td>
<td></td>
<td>10' x 6.3' x 9.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td>251</td>
<td>1</td>
<td>1</td>
<td></td>
<td>9.9' x 5.9' x 9.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td>252</td>
<td>1</td>
<td>1</td>
<td></td>
<td>10.0' x 6.0' x 9.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td>253</td>
<td>1</td>
<td>1</td>
<td></td>
<td>10.0' x 6.0' x 9.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td>254</td>
<td>1</td>
<td>1</td>
<td></td>
<td>9.2' x 6.8' x 9.0'</td>
<td>1 - 1 1 4</td>
</tr>
<tr>
<td>255</td>
<td>1</td>
<td>1</td>
<td></td>
<td>9.0' x 6.3' x 9.0'</td>
<td>1 - 1 1 4</td>
</tr>
</tbody>
</table>

Notes: E-dorm has two beds per cell + 6 (3 double bunks) in dayroom for total of 18 beds in unit; three tables that seat 4, plus wooden table and 7 plastic chairs; one shower in the unit. Over capacity (space and facilities). RC of 11 based on total unit. Occupancy per room

* T = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit; If “Total RC” appears in brackets (), it is not part of the facility’s rated capacity. **+** indicates that capacity includes prorated air space from adjacent areas.
<table>
<thead>
<tr>
<th>Location</th>
<th>Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th>EACH CELL</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td># Beds</td>
<td>RC</td>
<td>T</td>
<td>U</td>
</tr>
<tr>
<td>2nd West</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dorm A</td>
<td>Dorm</td>
<td>1963</td>
<td>1</td>
<td>53</td>
<td>32</td>
<td>32</td>
<td>39.0' x 39.0' x 12.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>3 tables with seating for 26; two sides housing share has adjacent bath and daytime areas; one side has 27 beds (13 dbl. bunks) and the other has 25 (13 double bunks and 1 single). Over capacity for space and facilities. As facilities limit RC to 32 (wash basins and toilets), it was changed from 36 to 32. 98/00 cycle. (Footage allows for 36)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>201W-203W</td>
<td>Multiple</td>
<td>1963</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>12</td>
<td>9.0' x 14.5' x 12.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Three cells; Each cell has T/W/F; 4 bunks, a table w/ 4 seats &amp; phone; Cells 201-216 use the same shower area. 1963 cubic foot requirement yields RC of 3,132.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>204W</td>
<td>Dorm</td>
<td>1963</td>
<td>1</td>
<td>30</td>
<td>19</td>
<td>16</td>
<td>54.0' x 16.0' x 11.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Has attached daytime w/ 2 tables (2 fixed w/ seating for 8), double bunks. Over capacity for space and facilities 10-12 inspection cycle (MIB)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>205W-206W</td>
<td>Multiple</td>
<td>1963</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>8</td>
<td>10.0' x 17.0' x 11.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Table for 4 in each cell; Cells 201-216 use the same shower area. 1963 cubic foot requirement yields RC of 3,74. Over capacity for space with beds.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>207W</td>
<td>Multiple</td>
<td>1963</td>
<td>1</td>
<td>8</td>
<td>4</td>
<td>4</td>
<td>9.5' x 17.0' x 11.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Table for 4; Cells 201-216 use the same shower area. 1963 cubic foot requirement yields RC of 3,553. Over capacity for space with beds.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>213-215</td>
<td>Multiple</td>
<td>1963</td>
<td>3</td>
<td>12</td>
<td>7</td>
<td>21</td>
<td>9.0' x 34.0' x 11.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Each cell w/ 12 beds &amp; 1-table for 4; 3 cells; Cells 201-216 use the same shower area; 1963 cubic foot requirement yields RC of 6,732. Over capacity for space and facilities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>216</td>
<td>Multiple</td>
<td>1963</td>
<td>1</td>
<td>29</td>
<td>14</td>
<td>14</td>
<td>19.0' x 34.0' x 11.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Cells 201-216 use the same shower area. Over capacity for space and facilities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Holding</td>
<td>1963</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>16 x 8.2</td>
</tr>
<tr>
<td>Notes:</td>
<td>Holding cell adjacent to shower area utilized by 201-216. 6 shower heads. 10/12 inspection cycle MIB.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max Unit</td>
<td>cells in linear design; 1-secure shower in hall for unit.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>218-221</td>
<td>Single</td>
<td>1963</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>6.0' x 7.8'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Measure bench length next inspection; was not listed on prior LASE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>247</td>
<td>Holding</td>
<td>1963</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Not measured</td>
</tr>
<tr>
<td>Dorm F</td>
<td>Dorm</td>
<td>1963</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>16.1' x 14.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Dorm F was reconverted to a cell in 2013 after being used as a supervisor's office for many years. It is intended to house civilian prisoners.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EAST HOUSING - linear design, cells 202-209 in same corridor as 212-219 - 2 showers separates the room sequences</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>202-209</td>
<td>Single</td>
<td>1963</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td>6.0' x 10.8' x 10.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>Prior LASE noted, &quot;16 cells 202-219, 8 are singles. 11-09-76 variance for doubles.&quot; - unable to locate a copy of variance in file.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>212-219</td>
<td>Multiple</td>
<td>1963</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td>6.0' x 10.8' x 10.0'</td>
</tr>
<tr>
<td>Notes:</td>
<td>See notes for 202-209; perhaps listed as multiple due to variance - although unclear why RC remained as 1 per cell; table and 2 chairs per cell.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit; If "Total RC" appears in brackets ( ), it is not part of the facility's rated capacity. "+" indicates that capacity includes prorated air space from adjacent areas.

5120 SC DOC MJ LAS/04/22/2014 - 6 -
<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>DIMENSIONS (L x W x H)</th>
<th>FIXTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1963</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>240</td>
<td>Multiple</td>
<td></td>
<td>14</td>
<td>8</td>
<td>8</td>
<td></td>
<td>23.5' x 20.0' x 10.0'</td>
<td>1 1 2 1 1</td>
</tr>
<tr>
<td>Notes: 2 tables w/ 8 seats each. <strong>Over capacity</strong> for space and facilities. The prior LASE listed the RC as 12+, adjusted to 8 during this inspection cycle to meet the facilities' limitations. Using 1/3 rule for urinals cannot count the existing urinal. If replace urinal with commode, would only be over for space requirements and could readjust RC to 12+.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>242</td>
<td>Multiple</td>
<td></td>
<td>14</td>
<td>8</td>
<td>8</td>
<td></td>
<td>23.5' x 20.0' x 10.0'</td>
<td>1 1 2 1 1</td>
</tr>
<tr>
<td>Notes: Tables (fixed) and seating for 10. <strong>Over capacity</strong> for space and facilities. The prior LASE listed the RC as 12+, adjusted to 8 during this inspection cycle to meet the facilities' limitations. Using 1/3 rule for urinals cannot count the existing urinal. If replace urinal with commode, would only be over for space requirements and could readjust RC to 12+.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>243-244</td>
<td>Multiple</td>
<td></td>
<td>28</td>
<td>24</td>
<td>24</td>
<td></td>
<td>31.0' x 40.5' x 10'</td>
<td>2 1 3 1 2</td>
</tr>
<tr>
<td>Notes: Rooms marked as 243-244 are joined area; dorm-like with adjacent dayroom; 3 tables and seats for 26. <strong>Over capacity</strong> for space and facilities. Wash basins/toilets only support RC of 24, unclear how RC was established. As facilities limit RC to 32 (wash basins and toilets), it was changed from 23+ to 24 this cycle. (Footage allows for 25)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>245</td>
<td>Multiple</td>
<td></td>
<td>24</td>
<td>24</td>
<td>24+</td>
<td></td>
<td>31.0' x 38.0' x 10'</td>
<td>2 1 3 1 2</td>
</tr>
<tr>
<td>Notes: 3 tables and seating for 26; dorm-like housing with adjacent dayroom.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>234</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>6.0' x 9.0' x 10.0'</td>
<td>1 - 1 1 *</td>
</tr>
<tr>
<td>Notes: Cell contains desk and chair; uses shower on 2 West.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>246</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>6.0' x 9.0' x 10.0'</td>
<td>1 - 1 1 *</td>
</tr>
<tr>
<td>Notes: Uses shower on 2 West.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WEST**

**"LITTLE MAX"** - enclosed linear unit on 3rd West w/ 25 cells (324-328); shower in unit for these cells. Prior LASE listed these cells as non-rated capacity of one per cell, stating this area was converted to a staging and recreation area. Prior inspection found 324 a bathroom area only; 3 living cells are being used as such, and 328 has recreation equipment for it. Prior LASE also noted, "11-9-76 variance to double cell" for cells 325-328. Unable to locate copy of variance in file.

| 324      | Single    | 1963                 | 1      |        |     |          | 4.8' x 9.8' x 10.0'    | 1 - 1 1 |
| Notes: Used as storage - This is a cell without furnishings, only a combo unit inside. It is marked as 324, which is a duplicate cell number - 324 also listed in north max - on prior LASE was marked as cell 325.4 with (non-rated) capacity of one. |
| 325      | Single    | 1963                 | 1      | 1      | 1   |          | 6.0' x 8.0' x 10.0'    | 1 - 1 1 |
| 326      | Single    | 1963                 | 1      | 1      | 1   |          | 6.0' x 8.0' x 10.0'    | 1 - 1 1 |
| 327      | Single    | 1963                 | 1      | 1      | 1   |          | 6.0' x 8.0' x 10.0'    | 1 - 1 1 |
| 328      | Single    | 1963                 | 1      | 1      | 1   |          | 6.0' x 8.0' x 10.0'    | 1 - 1 1 |
| 329      | Single    | 1963                 | 1      | 1      | 1   |          | 6.0' x 8.0' x 10.0'    | 1 - 1 1 |

Notes: This cell is equipped with exercise equipment, no bunks/beds.

**SOUTH MAX**

| 301-312  | Single    | 1963                 | 12     | 1      | 1   | 12      | 6.0' x 8.0' x 10.0'    | 1 - 1 1 * |
| Notes: 11-9-76 variance to double cell. Unclear why still marked as RC of 1 per cell. Unable to locate copy of variance in file. Cells are single-bunked. These cells use one shower located in the unit. |

**ORTH MAX**

| 313-324  | Single    | 1963                 | 12     | 1      | 1   | 12      | 6.0' x 8.0' x 10.0'    | 1 - 1 1 * |
| Notes: 11-9-76 variance to double cell. Unclear why still marked as RC of 1 per cell. Unable to locate copy of variance in file. Cells are... |

*T* = Toilets; *U* = Urinals; *W* = Wash Basins; *F* = Fountains; *S* = Showers in unit; 1/3 rule for urinals cannot count the existing urinal. If replace urinal with commode, would only be over for space requirements and could readjust RC to 12+.
<table>
<thead>
<tr>
<th>Location</th>
<th>Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Dorm</td>
<td>Dorm</td>
<td>1963</td>
<td>1</td>
<td>44</td>
<td>24</td>
<td>24</td>
<td>30.0' x 48.0' x 12.0'</td>
<td>2 2 3 1 3</td>
</tr>
<tr>
<td>C Dorm</td>
<td>Dorm</td>
<td>1963</td>
<td>1</td>
<td>44</td>
<td>22</td>
<td>22</td>
<td>30.0' x 44.0' x 12.0'</td>
<td>2 2 3 1 3</td>
</tr>
</tbody>
</table>

Notes: B & C dorms share a dayroom, both open onto it but have their own separate bath areas. B-dorm contains 23 dbl-bunks. Over capacity for space and facilities. Wash basins/toilets only support RC of 24.

| 331      | Multiple | 1963 | 1 | 6 | 6 | 6 | 13.5' x 20.0' x 11.0' | 1 2 4 |

Notes: Three showers available for 331-341; verify if fountain accessible and location next cycle.

| 332-335  | Multiple | 1963 | 4 | 4 | 4 | 16 | 9.5' x 20.0' x 11.0' | 1 2 4 |

Notes: Three showers available for 331-335.

| 336-338  | Multiple | 1963 | 3 | 16 | 12 | 36 | 19.5' x 33.0' x 11.0' | 2 2 2 1 |

Notes: Three cells; each with 8 dbl-bunks; seating for 12 in 336 & 337. Over capacity for space.

### 3 EAST

| 302-309, 312-319 Single | 1963 | 16 | 2 | 1 | 16 | 11.5' x 6.0' x 10.0' | 1 1 1 |

Notes: 11-9-76 variance to double bank. Unclear why still marked as RC of 1 per cell. Unable to locate copy of variance in 310-311 area. Showers. All cells are part of an enclosed linear unit; table w/2 seats in each cell; double-bunked.

| 339      | Multiple | 1963 | 1 | 14 | 8 | 8 | 24.0' x 20.5' x 10.0' | 1 1 2 1 1 |

Notes: Seating for 14. Over capacity for space and facilities. Toilets only support RC of 8. Using 1/3 rule for urinals cannot count the existing urinal. As facilities limit RC to 8, it was changed from 12+ to 8 this cycle. If replace urinal with commode, would be in compliance and the RC could be readjusted 12+.

| 340      | Multiple | 1963 | 1 | 12 | 8 | 8 | 24.0' x 20.5' x 10.0' | 1 1 2 1 1 |

Notes: Over capacity for space and facilities. Toilets only support RC of 8. Using 1/3 rule for urinals cannot count the existing urinal. As facilities limit RC to 8, it was changed from 11+ to 8 this cycle. If replace urinal with commode, would only be over for space requirements and RC could be readjusted to 11+.

| 341      | Multiple | 1963 | 1 | 14 | 8 | 8 | 24.0' x 20.5' x 10.0' | 1 1 2 1 1 |

Notes: Seating for 12. Over capacity for space and facilities. Toilets only support RC of 8. Using 1/3 rule for urinals cannot count the existing urinal. As facilities limit RC to 8, it was changed from 11+ to 8 this cycle. If replace urinal with commode, would only be over for space requirements and RC could be readjusted to 11+.

| 342      | Multiple | 1963 | 1 | 14 | 8 | 8 | 24.0' x 24.0' x 10.0' | 1 1 2 1 1 |

Notes: Seating for 10. Over capacity for space and facilities. Toilets only support RC of 8. Using 1/3 rule for urinals cannot count the existing urinal. As facilities limit RC to 8, it was changed from 12+ to 8 this cycle. If replace urinal with commode, would only be over for space requirements and RC could be readjusted to 12+.

| 343      | Multiple | 1963 | 1 | 20 | 16 | 16 | 28.0' x 37.5' x 10.0' | 2 1 2 1 2 |

Notes: Prior LASE listed 193-201 with combined capacity of 15+ and a notation of 17/18 beds; this cell has 21 beds and seating for 16. Over capacity for space and facilities. Wash basins only support RC of 16, unclear how RC was established. As facilities limit RC to 16, it was changed from 17 to 16 this cycle. Table and Chairs for 16. 10/12 inspection cycle. MJB.

| 344      | Multiple | 1963 | 1 | 20 | 16 | 16 | 28.0' x 37.5' x 10.0' | 2 1 2 1 2 |

Notes: Prior LASE listed 344-355 with combined capacity of 15+ and a notation of 17/18 beds; this cell has 20 beds and seating for 20. Over capacity for space and facilities. Wash basins only support RC of 16, unclear how RC was established. As facilities limit RC to 16, it was changed from 18 to 16 this cycle. Table and Chairs for 20. 10/12 inspection cycle. MJB.

*T = Toilets; U = Urinals; W = Wash Basins; F = Fountains; S = Showers in unit; If "Total RC" appears in brackets ( ), it is not part of the facility's rated capacity. + indicates that capacity includes prorated air space from adjacent areas.

5120 SC DOC MJ LAS 04/23/2014 - 8 -
<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>346</td>
<td>Multiple</td>
<td>1963</td>
<td>1</td>
<td>10</td>
<td>8</td>
<td>8</td>
<td>28.0' x 17.0' x 10.0'</td>
<td>1 1 2 1 1</td>
</tr>
</tbody>
</table>

Notes: 1963 cubic feet requirement yields RC of 9.52. Over capacity for facilities. Toilets only support RC of 8. Using 1/3 rule for urinals cannot count the existing urinal. As facilities limit RC to 8, it was changed from 10 to 8 this cycle. If replace urinal with commode, would be in compliance and the RC could be readjust 10.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>347</td>
<td>Multiple</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>No measurements</td>
<td>1 1 2 1 1</td>
</tr>
</tbody>
</table>

Notes: 4539 cubic feet. Over capacity for space and facilities. Toilets only support RC of 8. Using 1/3 rule for urinals cannot count the existing urinal. As facilities limit RC to 8, it was changed from 9 to 8 this cycle. If replace urinal with commode, would only be over for space requirements and RC could be readjusted to 9.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>333</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7.0' x 9.0' x 10.0'</td>
<td>1 1 1 1 1</td>
</tr>
<tr>
<td>334</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>6.0' x 9.0' x 10.0'</td>
<td>1 1 1 1 1</td>
</tr>
<tr>
<td>349</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>5.5' x 9.0' x 10.0'</td>
<td>1 1 1 1 1</td>
</tr>
<tr>
<td>350</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7.0' x 9.0' x 10.0'</td>
<td>1 1 1 1 1</td>
</tr>
</tbody>
</table>

Notes: Prior LASE noted, "11-9-76 variance to double bunk; now single." Cells are single-bunked. Cells 333-334 & 349-350 are escorted to Max tier to shower.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cell Type</th>
<th>Applicable Standards</th>
<th># Cells</th>
<th># Beds</th>
<th>RC</th>
<th>Total RC</th>
<th>Dimensions (L x W x H)</th>
<th>Fixtures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>351</td>
<td>Single</td>
<td>1963</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7.0' x 9.0' x 10.0'</td>
<td>1 1 1 1 1</td>
</tr>
</tbody>
</table>

Notes: Prior LASE noted, "11-9-76 variance to double bunk; now single." Cell is single-bunked. Escorted to Max tier to shower.

*Total RC was increased by 220 beds 11-3-03 after a review of dayroom space square footage space and fire exits and corridor widths to ensure acceptable egress.

*T = Toilets; U = Urinals; W = Wash Basins; P = Fountains; S = Showers in unit. If "Total RC" appears in brackets ( ), it is not part of the facility's rated capacity. "*" indicates that capacity includes prorated air space from adjacent areas.
August 31, 2015

Mr. [Redacted] PFN [Redacted]
Santa Clara DOC Main Jail
150 West Hedding Street
San Jose, CA 95110-1718

Dear [Redacted]:

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated July 7 & 15, 2015 and August 15, 2015, in which you complain about your denied grievance and that your Civil Rights have been Violated while in custody at the Santa Clara Main Jail.

As I explained to you during our last correspondence, BSCC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSCC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff of the county or designated facility administrator has the ultimate authority to mandate compliance.

Your letter dated July 11, 2015 stated that your living condition, while being detained, is affecting your mental health condition of anxiety and panic attacks due to the crowded condition inside your living space. You also stated that the facility is out of compliance for with not having enough floor space for inmates.

Regarding your mental health condition, BSCC suggests you contact the mental health services that are available to you. You are correct regarding the facility being out of compliance with your living area. The department have been made aware of and has been working very hard to remedy the situation. As for your last two letters, we understand that you have utilized BSCC suggestion by utilizing the grievance procedure in place and you have contacted your attorney of records. Please allow the process to work by allowing them the opportunity to address your concerns.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

Michael Bush
Facilities Standards and Operations Division

cc: Commander, Santa Clara County Sheriff’s Department.

5120 Santa Clara 08/31/2015
September 9, 2014

[Redacted]

Elmwood Correctional Facility
701 S. Abel St.
Milpitas, CA 95035

Dear Mr. [Redacted]:

The Board of State and Community Corrections (BSCC) is in receipt of your letter dated August 24, 2014 in which you state your Constitutional Rights have been violated at the Santa Clara County Elmwood Facility.

The BSCC, among its various responsibilities, is tasked with establishing and revising minimum standards for local adult and juvenile detention facilities. BSCC also inspects those facilities for compliance with the standards and reports its findings biennially to the State Legislature. However, BSCC has no statutory authority to investigate specific issues of the nature you describe. We do maintain letters such as yours for reference during future inspections related to the regulation in question.

If, as stated in your letter, you have filed grievances and subsequent appeals resulting in what you believe is no relief you have exhausted your administrative remedy. You next course of action is with the courts, not BSCC.

Again, this letter and response will remain in our file for future inspections and we will forward your letter and response to the facility commander.

Sincerely,

[Signature]

Ronald L. Bertrand
Field Representative
Facilities Standards and Operations Division

cc: Captain Kevin Heilman, Elmwood Facility, Santa Clara County Sheriff’s Department
April 6, 2015

Mr. [Redacted] [Redacted] PFN [Redacted]
Santa Clara DOC Main Jail
150 West Hedding Street
San Jose, CA 95110-1718

Dear [Redacted]:

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated February 19, 2015, March 5, 2015 and March 15, 2015 in which you complain about denial of access to services during your current incarceration at the Santa Clara Main Jail.

Your letter dated February 19, 2015 stated that the jail facility is out of compliance with not having enough wash-basins, toilets and does not provide hot, cold or tempered water as require by Title 24, Part 2 Section 1231. Your letters dated March 5 & 15, 2015 refer to your civil liberties are being violated.

I must inform you that the BSCC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSCC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff of the county or designated facility administrator has the ultimate authority to mandate compliance.

Regarding the Title 24, Part 2 Section 1231, Sgt. Liddle stated that they were unaware of this issue and he will have the building maintenance crew look into it. Regarding your last two letters, we suggest that you to continue to utilize the grievance procedure in place at the jail to bring issues such as this to the attention of facility management and allow them the opportunity to address your concerns. You may also or your attorney of records.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

Michael Bush
Facilities Standards and Operations Division

cc: Eric Liddle, Sergeant, Santa Clara County Sheriff’s Department.
LADoris Cordell,

My name is [redacted] and I'm currently incarcerated in Santa Clara D.O.C. Main jail. The purpose of this letter is to inform the Commission on Issues of Civil Right Abuse that I have documented evidence of the Civil Rights Issues I've experienced, along with threats or physical harm from correctional staff. Because of my right to petition government for redress of grievances, I've been retaliated against for seeking administrative redress.

I'm available for interview and can provide documented evidence to support my claims. The foregoing is true and correct to the best of my knowledge, sworn under penalty of perjury on this Day of November, 3, 2015.

Sincerely,

[Redacted]

11-3-15
Dear Santa Clara Jail Resident,

Thank you for your recent letter about conditions in the Santa Clara Jail. We appreciate that you took the time to describe serious problems with out-of-cell time, cleaning supplies, force, or other issues in the Jail. We are very sorry that we have to send you this form letter response – we are receiving a lot of mail from Santa Clara inmates, and this letter is the most efficient way for us to respond while we focus on improving conditions.

The Prison Law Office is a non-profit legal services organization that represents prisoners and juveniles in class action litigation about prison and jail conditions. We are currently looking at and considering litigation against the Santa Clara County Jail regarding solitary confinement (being locked down 22 hours or more in a day) and other issues after the Sheriff has refused to negotiate with us to find solutions. We are sorry that we cannot represent you in an individual lawsuit or help you with your individual problem.

If you would like to help us with our investigation and possible litigation against the Jail, you should file and “exhaust” a grievance regarding the amount of time you are allowed out of your cell and whether you are properly classified. In your own words, in your grievance you should ask for more out-of-cell time and programs, and explain how being locked down is harming you. If true, you should also say you do not require being locked down because you are not violent or a behavioral problem.

The Santa Clara County Jail’s policy on inmate grievances outlines a two-step process for exhausting your grievances: First, according to the policy, you should submit a Santa Clara Department of Correction Inmate Grievance Form. Several levels of jail employees must review the grievance, and a Division Commander or designee should provide you the written final disposition (response). Usually the jail has up to 30 days for non-emergencies to complete this process, but the jail may sometimes take longer. Second, if you are not satisfied with the response, you should appeal the grievance by writing a letter to the Division Commander within 15 days. Such letters should be sure to clearly state that you are requesting an appeal of the grievance response. In your letter, you should include the grievance log number, as well your original allegations and why they have not been resolved. Do not add any new allegations. The Division Commander must then send you a written response within a “reasonable time.”
Once you have received grievance responses regarding solitary confinement, please send them to us for our review. We will make copies and return your originals to you. Again, we are sorry that we may not be able to respond personally to your letters, but we will send updates about our investigation when available.

Sincerely,

Kelly Knapp
2. The Court notes that the SAC also appears to allege supplemental claims in that plaintiff adds new claims for retaliatory and denial of access to the courts arising out of events occurring several months after this action was filed. The court may permit a party to serve supplemental pleadings “setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Fed.R.Civ.P. 15(a). Matters newly alleged in a supplemental complaint must have some relation to the claim(s) set forth in the original pleading, although they need not be about the same transaction, see Keath v. Yfke, 858 F.2d 467, 474 (9th Cir. 1988). The Court will, however, grant leave to amend to add the supplemental claims here because plaintiff has already separately raised these claims in C15-750 HSQ (PR) and C15-1239 HSQ (PR).

For the foregoing reasons, the motion to amend is DENIED.

B. Defendants’ Administrative Motion

Defendants have filed an administrative motion requesting that the Court approve the SAC and revise the briefing schedule. Dkt. 38. Defendants point out that their dispositive motion is currently due by May 4, 2015. As discussed above, plaintiff has been denied leave to file its proposed SAC. Accordingly, Defendants’ administrative motion is DENIED as moot. However, the Court will allow plaintiff access to an extension of time for defendants to file a dispositive motion and will set forth a new briefing schedule below.

C. Defendants’ Motion to Strike Response to Answer

Plaintiff filed two responses to defendants’ Answer to the Amended Complaint. Dkts. 31, 33. Defendants have filed a motion to strike plaintiffs’ responses. Dkt. 34. Plaintiff’s responses to the Answer were unnecessary and attempted to introduce new claims not pleaded in the Amended Complaint. Accordingly, defendants’ motion to strike is GRANTED.

D. Plaintiff’s Motion for Preliminary Injunction

Plaintiff has also filed a document titled “Emergency Injunctive Relief” (Dkt.33), which the Court construes as a motion for a preliminary injunction. In the motion, plaintiff alleged that he received an injunction for sending an appeal of his inmate grievance to a 40-page envelope marked “confidential legal mail.” Dkt. 33 at 1. Plaintiff seeks the Court to overturn the Santa Clara County Department of Corrections’ disciplinary decision.

E. Plaintiff’s Motion for Discovery

Plaintiff has also filed a motion for production of documents, Dkt. 37. The Court has reviewed the motion and determined that it is actually a discovery request that plaintiff intended to serve on defendants. The filing reflects plaintiff’s misunderstanding of the discovery process, as a party may not obtain discovery by simply filing the court what he wants to learn. The Court generally is not involved in the discovery process and only becomes involved when there is a dispute between the parties about discovery responses. Discovery requests and responses normally are exchanged between the parties without any copy
For the foregoing reasons, the Court orders as follows:

1. Plaintiff’s motion for leave to file a Second Amended Complaint (doc.33), is DENIED. The First Amended Complaint (doc.7) remains the operative pleading herein.

2. Defendants’ administrative motion for the Court to screen the Second Amended Complaint (doc.38), is DENIED as moot.

3. Defendants’ motion to strike plaintiff’s response to the motion (doc.34) is GRANTED.

4. Plaintiff’s motion for emergency injunctive relief (doc.33), is DENIED.

5. Plaintiff’s motion for production of documents (doc.37) is DENIED.

6. Plaintiff’s request for appointment of counsel (doc.39), is DENIED.

7. Plaintiff’s motion for summary judgment (doc.40), is DENIED.

The deadline for defendants to file a dispositive motion is CONTINUED to June 5, 2015. Plaintiff shall file any opposition to defendants’ motion within twenty-eight (28) days of the date the motion is filed. Defendants shall file a reply within fourteen (14) days of the date the opposition is filed.

This order terminates Docket Nos. 33, 36, 37, 38, 39, and 40.

IT IS SO ORDERED.

CONCLUSION
Plaintiff also alleges that in an unrelated incident he was disciplined in retaliation for helping another inmate pursue a complaint about medical care. He claims that this violates state law, the state constitution, and federal law. Such claims are not cognizable under Section 1983, which only provides a remedy for violations of federal law. See Perez v. Atkins, 487 U.S. 42, 43 (1988). These allegations do not state a cognizable retaliation claim either, which requires retaliation for the exercise of a federal constitutional right. See Adickes v. Atlantic City, 423 U.S. 16, 25 (1975). There is no federal constitutional right to assist another inmate in pursuit of a complaint. Shem v. Murphy, 532 U.S. 223, 228 (2001). Accordingly, there is no cognizable retaliation claim stemming from this alleged incident.

Plaintiff also alleges that in another incident, Defendants Davis and Borzynski verbally harassed and threatened him and other inmates on a bus. Allegations of verbal harassment and threats do not state a claim under Section 1983, See Rotledge v. Arizona Bd. of Regents, 660 F.2d 1345, 1353 (9th Cir. 1981). He also alleges that Lieutenant Borzynski disciplined him for asking other jail officials a question. He claims that the disciplinary proceeding was "biased" because Plaintiff had previously complained about Borzynski's conduct in an administrative grievance, and because two witnesses to the disciplinary proceeding had also been present during the bus incident. Allegations of "bias" in a jail disciplinary proceeding do not, without more, implicate an inmate's constitutional right to due process. See Wolff v. McDonnell, 418 U.S. 539, 551 (1974). Accordingly, these allegations do not state a cognizable claim either.

Plaintiff has not cured the deficiencies that were present in his original complaint with respect to suing the municipal defendants. Santa Clara County.

CONCLUSION

For the reasons set out above, the Court orders as follows:

1. The claims against Defendants Santa Clara County, Borzynski, Davis, and Conner are DISMISSED.

2. The Clerk of the Court shall serve summons on the United States Marshal shall serve, without prepayment of fees, a copy of the complaint and all attachments thereto, and a copy of this order upon Defendants Sheriff Laurie Smith, Chief of Corrections John Hicokawa, Captain D. Segalvda, Lieutenant Taylor, Sergeant Gillette, and Internal Affairs official Linda Kowell, all in the Santa Clara County Sheriff's Department.

The Clerk shall also mail a courtesy copy of the complaint with all attachments thereto, and this order to the Santa Clara County Counsel's Office.

The Clerk shall also serve a copy of this order on Plaintiff.

2. Defendants shall file an answer to the complaint in accordance with the Federal Rules of Civil Procedure.

3. In order to expedite the resolution of this case:
   a. No later than 91 days from the date this order is filed, Defendants shall file a motion for summary judgment or other dispositive motion. If defendants are of the opinion that this case cannot be resolved by summary judgment, they shall so inform the Court prior to the date the summary judgment motion is due. All papers filed with the court shall be promptly served on the plaintiff.
   b. Plaintiff's opposition to the dispositive motion, if any, shall be filed with the court and served upon defendants no later than 28 days from the date of service of the motion.
   c. Plaintiff shall file the attached papers, including a "NOTICE: WARNING," which is provided to him pursuant to Rule F. Brazil, 154 F.3d 952, 953-954 (9th Cir. 1998) (as banc), and Kluge v. Ellerth, 849 F.2d 409, 411-12 (9th Cir. 1988).

3. a. Defendants shall file a reply brief no later than 14 days after the date of service of the opposition.
   b. The motion shall be deemed submitted on the date the reply brief is due. No hearing will be held on the motion unless the court so orders at a later date.
   c. Along with his motion, defendant shall proof that they served plaintiff the "WARNING" at the same time they served him with their motion. Failure to do so will result in the summary dismissal of their motion.

4. All communications by the plaintiff with the court shall be served on defendant. If defendant's counsel has been designated, by mailing a true copy of the document to defendant or defendant's counsel.

5. Discovery may be taken in accordance with the Federal Rules of Civil Procedure. No further court order under
ORDER DISMISSING AMENDED COMPLAINT

KANDIS A. WESTMORE, UNITED STATES MAGISTRATE JUDGE

*1 Plaintiff Carlos Armando Ortega, a state prisoner incarcerated at Napa State Hospital (“NSH”), filed a civil rights action under 42 U.S.C. § 1983 complaining of his treatment by Sergeant Flavesta and Officers L. Provenzo, P. Terry, S. Graham, J. Colar, and Galyanow while he was incarcerated at the Santa Clara County Jail (“SCCP”). On June 10, 2013, the Court issued an Order of Dismissal with Leave to Amend in which it placed Plaintiff’s allegations into one of the six categories set forth in the previous paragraph. The Court noted that Plaintiff’s acknowledgments that his bipolar disorder may be the cause of his thoughts that Defendants are violating his rights. Therefore, it is possible that some, if not all, of Plaintiff’s allegations are the product of this same disorder and not actual violations committed. In the future, if Plaintiff submits an amended complaint, he is urged to distinguish Defendants’ actual conduct from what he may imagine their conduct to be.

On June 26, 2013, Plaintiff filed a first amended complaint (“FAC”) in which he names approximately forty Defendants. With his FAC, Plaintiff submits as exhibits doctors’ psychological evaluations of him. On January 21, 2014, Plaintiff filed a Motion for Pre-Trial Discovery, upon which the Court ruled on June 26, 2014.

DENTON, 504 U.S. 25, 32 (1992). To pierce the veil of the complaint’s factual allegations means to discover whether those allegations have a foundation in fact that is not so conclusory as to be no more than an assertion of the existence of a close relationship.

In view of the FAC, the Court sua sponte dismisses with prejudice the complaint for failure to state a claim upon which relief can be granted.

The Court finds that Plaintiff’s allegations are not sufficient to state a claim for relief. The Court’s order is without prejudice to Plaintiff’s filing a new complaint if he can state a claim that is not barred by the statute of limitations.


ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.

ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.

ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.

ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.

ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.

ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.

ORDER

IT IS THEREFORE ORDERED that the complaint be dismissed with prejudice.

The Clerk is directed to enter judgment accordingly.

Dated: September 23, 2014

KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

For the reasons set forth above, the Court finds that Plaintiff’s allegations do not state a claim for relief under 42 U.S.C. §§ 1983 and 1985.

The Clerk is directed to enter judgment accordingly.
SECTION 1231 (BSCC) LOCAL DETENTION

1231.1 Definitions.

1231.2 Board of State & Community Corrections means the Board of State & Community Corrections, which acts by and through its executive officers, department directors and field representatives.

1231.3 Living Area means the areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special-use cells such as medical, safety and holding or cells normally located in receiving areas.

1231.4 Local Detention Facility means a state, city, county, city and county, or regional jail, camp, adult holding facility or other correctional facility, whether publicly or privately operated, and adult holding facility used for the confinement of adults or of both adults and minors, that does not include any portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors. The types of local detention facilities are as follows:

Court holding facility means a local detention facility constructed within a court building after January 1, 1976, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

Temporary holding facility means a local detention facility constructed after January 1, 1976, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

1231.5 Temporary holding cell or room. A temporary holding cell or room shall:
1. Contain a minimum of 10 square feet (0.93 m²) of floor area per inmate;
2. Be limited to no more than 15 inmates;
3. Be no smaller than 40 square feet (3.7 m²) and have a clear ceiling height of 8 feet (2438 mm) or more;
4. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
5. Contain a single visual separation of inmates by staff;
6. Be limited to no more than 160 square feet (14.9 m²) of floor area per inmate and a clear ceiling height of 8 feet (2438 mm) or more;
7. Be limited to no more than 160 square feet (14.9 m²) of floor area per inmate.
8. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
9. Contain a visual separation of inmates by staff.
10. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
11. Contain a visual separation of inmates by staff.
12. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
13. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
14. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
15. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
16. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
17. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
18. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
19. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
20. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
21. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
22. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
23. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
24. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
25. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
26. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
27. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
28. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
29. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
30. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
31. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
32. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
33. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
34. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
35. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
36. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
37. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
38. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
39. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
40. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
41. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
42. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
43. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
44. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
45. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
46. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
47. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
48. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
49. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
50. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
51. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
52. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
53. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
54. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
55. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
56. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
57. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
58. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
59. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
60. Contain a toilet, wash basin and drinking fountain, as specified in Section 1231.3.3.
### TABLE 2121.4 REFERENCED SPACES AND EQUIPMENT IN JUVENILE FACILITIES

| SPACE/CATEGORY                        | TYPE I | TYPE II | TYPE III | TYPE IV | COMMON AREA
|---------------------------------------|--------|---------|----------|---------|--------------
| Sleeping/bedroom                     | x      | x       | x        | x       |              |
| Temporary sleeping space or rooms    | x      | x       | x        | x       |              |
| Sanitation area                      | x      | x       | x        |         |              |
| Refuse area                          | x      | x       | x        |         |              |
| Single-occupancy cell                 | x      | x       | x        |         |              |
| Sanitary closet                      | x      | x       | x        |         |              |
| Dayroom                              | x      | x       | x        | x       |              |
| Exercise area                        | x      | x       | x        |         |              |
| Three-room living area               | x      | x       | x        |         |              |
| Clinic space                         | x      | x       | x        | x       |              |
| Dental/medical center                | x      | x       | x        |         |              |
| Laboratory                           | x      | x       | x        |         |              |
| Library/reading room                 | x      | x       | x        |         |              |
| Storage room                         | x      | x       | x        | x       |              |
| Equipment room                       | x      | x       | x        |         |              |
| Heating system                       | x      | x       | x        |         |              |
| Elevator well                        | x      | x       | x        |         |              |

### 1112.14.2.6 Single-occupancy cells. Single-occupancy cells shall:

1. Have a maximum capacity of one person;
2. Contain a minimum of 60 square feet (5.57 m²) of floor area in Type I facilities and 70 square feet (6.50 m²) of floor area in Types II and III facilities;
3. Have a minimum ceiling height of 6 feet 4 inches (1930 mm) and a minimum width of 6 feet (1829 mm);
4. Contain a toilet, wash basin and drinking fountain as specified in Section 1213.13; and
5. Comply with all other applicable requirements of this code.

### 1112.14.2.7 Double-occupancy cells. Double-occupancy cells shall:

1. Have a maximum capacity of two persons;
2. Contain a minimum of 60 square feet (5.57 m²) of floor area in Type I facilities and 75 square feet (6.95 m²) of floor area in Types II and III facilities;
3. Have a minimum ceiling height of 6 feet 4 inches (1930 mm) and a minimum width of 6 feet (1829 mm);
4. Contain a toilet, wash basin and drinking fountain as specified in Section 1213.13; and
5. Comply with all other applicable requirements of this code.

### 1112.14.2.8 Dormitory room. Dormitory rooms shall:

1. Contain a minimum of 20 square feet (1.86 m²) of floor area per inmate for a single-bed unit with a maximum of 25 square feet (2.32 m²) for a double-bed unit and shall be equipped with a bed or cot raised a minimum of 6 inches (152 mm) above the floor;
2. Be designed for no more than 64 inmates and no less than four inmates;
3. Provide access to secure, secluded areas outside of the building;
4. Provide a private area of not less than 60 square feet (5.57 m²) which is accessible to the inmate occupant, control of which is limited to the occupant.
5. Provide a common area for recreation, study, visitation, and medical care.
6. Provide a common area for recreational purposes.
7. Provide a common area for educational purposes.
8. Provide a common area for religious purposes.
9. Provide a common area for entertainment purposes.
10. Provide a common area for medical purposes.
11. Provide a common area for family visitation.
12. Provide a common area for personal care.
13. Provide a common area for athletic purposes.
14. Provide a common area for religious purposes.
15. Provide a common area for educational purposes.
16. Provide a common area for recreational purposes.
17. Provide a common area for family visitation.
18. Provide a common area for personal care.
19. Provide a common area for athletic purposes.
20. Provide a common area for religious purposes.
21. Provide a common area for educational purposes.
22. Provide a common area for recreational purposes.
23. Provide a common area for family visitation.
24. Provide a common area for personal care.
25. Provide a common area for athletic purposes.
26. Provide a common area for religious purposes.
27. Provide a common area for educational purposes.
28. Provide a common area for recreational purposes.
29. Provide a common area for family visitation.
30. Provide a common area for personal care.
31. Provide a common area for athletic purposes.
32. Provide a common area for religious purposes.
33. Provide a common area for educational purposes.
34. Provide a common area for recreational purposes.
35. Provide a common area for family visitation.
36. Provide a common area for personal care.
37. Provide a common area for athletic purposes.
38. Provide a common area for religious purposes.
39. Provide a common area for educational purposes.
40. Provide a common area for recreational purposes.
41. Provide a common area for family visitation.
42. Provide a common area for personal care.
43. Provide a common area for athletic purposes.
44. Provide a common area for religious purposes.
45. Provide a common area for educational purposes.
46. Provide a common area for recreational purposes.
47. Provide a common area for family visitation.
48. Provide a common area for personal care.
49. Provide a common area for athletic purposes.
50. Provide a common area for religious purposes.
51. Provide a common area for educational purposes.
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

In re

Nos.: [redacted]
REQUEST FOR INFORMAL RESPONSE

hereinafter Petitioner, has submitted a habeas corpus petition in which he asserts (1) jail overcrowding is in violation of Title 24 and (2) in which he also complains of mold in the bathroom.

Regarding the mold assertion, as Petitioner has been repeatedly told in previous habeas orders, it is required that inmates exhaust their administrative remedies to the highest level before petitioning the courts. Petitioner has made no attempt to do so with this claim and it is therefore summarily denied.

Regarding Petitioner’s assertion of overcrowding, Main Jail Division Commander, Captain Hoyt, has responded to Petitioner that "the Board of State and Community Corrections has recently visited
our facility, and all housing units were found to be in compliance with Title 15 and Title 24 standards."

Because Petitioner has presented a factual allegation that this Court is unable to confirm as it would a purely legal issue, it is requested that County Counsel provide, within 15 days, an informal response to the petition which need only be comprised of the documentation supporting Captain Hoyt's statement. Petitioner should file any reply to the informal response within 15 days of its receipt. While the 15 day timeframes are the statutory default, (see CRC 4.551(b)(2),) reasonable requests for extensions of time will be received favorably (see CRC 4.551(h)).

DATED: 9/14/15, 2015

HON. JULIA ALLOGGIAMENTO
JUDGE OF THE SUPERIOR COURT

cc: Petitioner
    County Counsel (with copy of petition)
    Research(8-4A)
    CUIC
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

In re:

[Redacted]

Petitioner.

PROOF OF SERVICE BY MAIL OF:

REQUEST FOR INFORMAL RESPONSE

(CENDORSED)

FILED
SEP 16 2015

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of Santa Clara

BY: C. Arellanes, Deputy

CASE NUMBER(S):

CLERK'S CERTIFICATE OF SERVICE

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS HAND-DELIVERED INTO THE BELOW-LISTED AGENCY'S INTEROFFICE MAILBOX, (WHERE APPLICABLE), OR MAILED WITH FIRST CLASS POSTAGE PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW, AND THAT THESE DOCUMENTS WERE PLACED FOR PICK-UP OR MAILED AT SAN JOSE, CALIFORNIA ON THE DATE SHOWN BELOW.

DAVID YAMASAKI, CHIEF EXECUTIVE OFFICER

DATED: SEP 16 2015

BY: C. Arellanes, Deputy Courtroom Clerk

PETITIONER:

[Redacted]
PFN: [Redacted] / BK# [Redacted]
Santa Clara County Main Jail
150 West Hedding Street
San Jose, CA 95110

OFFICE OF COUNTY COUNSEL
Santa Clara County
70 West Hedding Street
East Wing, 9th Floor
San Jose, CA 95110-1770

* Copy of Petition Included

RESEARCH: (8-4A)

(Via Interoffice Mail)

CJIC:

(Via Interoffice Mail)
First, Plaintiff in several civil rights actions against Santa Clara Dept. of Corrections personnel for violating my 1st Amendment right to petition government for redress of grievances and access to courts.

On 6-4-14, civil rights complaint filed in U.S. District Court of Northern California regarding deliberate indifference to serious medical need. On 1-8-14, Plaintiff signed a protected Health and Disclosure to Santa Clara office of the Sheriff. Internal Affairs Agent Linda Kowalski regarding medical complaints. I called IA on several occasions seeking medical complaints when I was instructed to no longer call them. I am no longer an IA issue for CIT Staff.

I received a major role change. For seeking administrative redress for judicial review, I filed and exhausted all levels of administrative. Exhausting filed claim with the County which was rejected, and now in Federal Court. Not only have this department violated my 1st Amendment right, but they have done so 3 times. Current case. 
Defendants are as follows: Sheriff Laurie Smith, Chief of Corrections John Hicokawa, Division Commanders Hoyt & Sepulveda, Lit Taylor, and Borgzinner, Sgt Gillette and Deputies Crawford and Hagan, Linda Knecht of the office of the Internal Affairs.

I'm demanding $750,000.00 x 4 for each case, all the ground work has been done and case law studied all point favorably in plaintiffs favor, see Brodberg vs City 584 F.3d 1262, 1269 (9th Cir. 2009).

Any interested party may contact me as follows:

MR. [REDACTED]
Santa Clara D.O.C. Main Jail
150 West Hedding St
San Jose, CA 95110, 1718

Sincerely

5-29-15
# Request for Reconsideration

**NAME OF CLAIMANT**

[Redacted]

**CLAIMANT SSN**

[Redacted]

**CLAIMANT CLAIM NUMBER**

N/A

**SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL VETERANS BENEFITS (SVB) CLAIM NUMBER**

N/A

**SPouse'S NAME** (Complete ONLY in SSI cases)

N/A

**SPouse'S SOCIAL SECURITY NUMBER** (Complete ONLY in SSI cases)

N/A

**CLAIM FOR** (Specify type, e.g., retirement, disability, hospital medical, SSI, SVB, etc.)

Medical disability, mental health, Post Traumatic Stress Disorder, Anxiety Disorder

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:


*See the three ways to appeal in the How To Appeal Your Supplemental Security Income (SSI) or Special Veterans Benefits (SVB) Decision Instructions.*

"I want to appeal your decision about my claim for Supplemental Security Income (SSI) or Special Veterans Benefits (SVB). I've read about the three ways to appeal. I've checked the box below."

- [x] Case Review
- [ ] Informal Conference
- [ ] Formal Conference

**ENTER ADDRESSES FOR THE CLAIMANT AND THE REPRESENTATIVE**

**MAILING ADDRESS**

150 West Hedding St

**CITY**

San Jose

**STATE**

CA

**ZIP CODE**

95110-1718

**TELEPHONE NUMBER** (Include area code)

**DATE**

1-13-15

**MAILING ADDRESS**

150 West Hedding St

**CITY**

San Jose

**STATE**

CA

**ZIP CODE**

95110-1718

**TELEPHONE NUMBER** (Include area code)

**DATE**

1-13-15

**NAME OF CLAIMANT'S REPRESENTATIVE**

[Redacted]

- [ ] NON-ATTORNEY
- [ ] ATTORNEY

**TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION**

1. HAS INITIAL DETERMINATION BEEN MADE?
   - [ ] YES
   - [ ] NO

2. CLAIMANT INSISTS ON FILING?
   - [ ] YES
   - [ ] NO

3. IS THIS REQUEST FILED TIMELY?
   (If "NO," attach claimant's explanation for delay and attach any pertinent letter, material, or information in Social Security office.)
   - [ ] YES
   - [ ] NO

**RETIREMENT AND SURVIVORS RECONSIDERATIONS ONLY (CHECK ONE) REFER TO (GN 03102.125)**

- [ ] NO FURTHER DEVELOPMENT REQUIRED (GN 03102.300)
- [ ] REQUIRED DEVELOPMENT ATTACHED
- [ ] REQUIRED DEVELOPMENT PENDING, WILL FORWARD OR ADVISE STATUS WITHIN 30 DAYS

**ROUTING INSTRUCTIONS** (CHECK ONE)

- [ ] DISABILITY DETERMINATION SERVICES (ROUTE WITH DISABILITY FOLDER)
- [ ] OIO, BALTIMORE
- [ ] OEO, BALTIMORE

**SOCIAL SECURITY OFFICE ADDRESS**

[Redacted]

**NOTE:** Take or mail the completed original to your local Social Security office, the Veterans Affairs Regional Office in Manila or any U.S. Foreign Service post and keep a copy for your records.
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: ON 6-17-15 I WAS RE-HOUS ED FROM 7-A TO 2-14 WEST. MY PRO-PEN BOX WAS SEARCHED WITH A SERGEANT PRESENT AND VIDEO. ON 6-19-15 I WENT TO 2-14 WEST, MY PRO-PEN BOX WAS SEARCHED MY PRO-PEN BOX WITHOUT A SERGEANT AND AGAINST PROCEDURE. IT WAS OK AS LONG AS I'M PRESENT. I WOULD LIKE TO KNOW WHY I WAS SEARCHED AGAINST PROCEDURE AND THAT I HAD A SERGEANT DOES NOT NEED TO BE PRESENT WITH VIDEO.

WHAT SOLUTION ARE YOU RECOMMENDING?: SPEAK WITH CAPTAIN HUNT

Your Signature: Date: 6-19-15 Time: 11 AM/PM

Received from Inmate on:
Day: 6/19 Date: Mon 1 Time: 1430 Officer: Long 1581 Team: A

RESPONDING OFFICER'S STATEMENT (Please print):

[ ] Resolved [ ] Refer to Level II

Officer's Name: Team: 1234 Date: / / 

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: Team: 1234 Date: / / 

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: Date: / / Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: Date Assigned: / / 
Date Due: / / 

SEARCHES OF YOUR PRO-PEN BOX DO NOT NEED TO BE VIDTAPED IF YOU HAVE A SERGEANT PRESENT AS LONG AS YOU ARE PRESENT.

Response by: Title: Date: 10-22-15 Time: 1300

FACILITY COMMANDER/DISGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: Date: / / Time:

RESPONSE RETURNED TO INMATE: Date: 10-24-15 Time: 1107 By:

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
June 24, 2015

Mr. [Redacted]  
CEN# [Redacted] / PFN [Redacted]  
Main Jail Complex  
150 West Hedding Street  
San Jose, CA  95110

Dear Mr. [Redacted]:

I received your letter dated June 19, 2015, regarding the search of your Pro Per box. Your grievance on this issue was received in our office on June 23, 2015, and the response is attached. Your Pro Per box may be searched in your presence, without a sergeant and without being videotaped.

Sincerely,

[Signature]

Captain Hbyt  
Main Jail Division Commander

BH:evv

cc: Legal Resource Coordinator
October 5, 2015

Mr. [redacted]
CEN# [redacted]/PFN [redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear Mr. [redacted]:

I received your envelope sent September 29, 2015, containing three grievance appeal letters with various dates.

Grievance #102031 is a medical grievance; as such, this letter is being forwarded to the Medical Unit Manager for review and response. Grievance #101948 is programs-related; this letter is being sent to the Programs Unit Manager for review and response. Please be advised that our office has no jurisdiction over decisions by the Programs Unit and the Medical Unit.

You state the Sgt. Kirkland has videotaped searches of your Pro Per Box. Pro Per box searches should be videotaped; as such, he is correct in following this recommendation. The response to Grievance #101304 still stands.

Lastly, in reviewing Grievance #101666, Deputy Crawford did take pictures of the area you mentioned in your grievance; however, I have confirmed with him that these photos were for an entirely different project, and were not related to your complaint about mold. The Work Order regarding mold was completed; additionally, I have just spoken with our Operations Unit Supervisor, who has assured me that this area will again be treated for any mold that may exist in the area.

Sincerely,

[Signature]
Captain Hoyt
Main Jail Division Commander

cc: Nurse Manager, Medical Unit
    Programs Unit Supervisor
    Operations Unit Supervisor
    Legal Resource Coordinator
TO: DIVISION COMMANDER HEYT

From: [Redacted]

Date: 8-15-15 / 8-25-15

RE: Appeal Letter of Grievance #101666

This is an Appeal of Grievance #101666 in which mold and standing water is present in 2-14 WEST. No work has been completed for water still leaks from toilet flush button which leaks and mold is present between sink and toilet. Work order 10593456 was not completed on 8-7-15, due to Deputy Crawford taking pictures on 8-14-15 regarding this issue.

P.S. On 8-17-15, I was re-housed and SGT. Kirkland video my proper bed, I'm confused for an Appeal Letter of Grievance #113104 and your appeal response states that a SGT and Video is not required. Please clarify.

Sincerely,

[Redacted]

Santa Clara D.O.C.-Main Jail
150 West Hedding St
San Jose, CA 95110-1718

Sincerely,

[Redacted]
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: MOLD IS PRESENT IN THE BATHROOM
NORTH OF 2-14WEST. CORRECTIONAL OFFICERS ON 2-14WEST HAVE BEEN NOTIFIED
ALONG WITH APOTHECARY SERGEANT AND LT. DAVIS. THIS IS A SERIOUS HEALTH
ISSUE IN WHICH INMATES ARE IN DANGER AND HAVE DANGEROUS OR ILLNESS.
CURRENT INMATE #563845. L02, ESR, CODE 1010-045

WHAT SOLUTION ARE YOU RECOMMENDING?: CLEAN MOLD OR SHUT DOWN 2-14WEST

Your Signature: [redacted] Date: 7/23/15 Time: 11 AM/PM

What is the date and time of receipt?

Received from Inmate on:
Day: SAT Date: 7/25/15 Time: 1200 Officer: Keeley Team: B

RESPONDING OFFICER'S STATEMENT (Please print): WORK ORDERS HAVE BEEN
SUBMITTED. WORK IS CURRENTLY IN PROGRESS FOR TOILET.

[ ] Resolved [ ] Refer to Level II

Officer's Name: Keeley Date: 7/25/15

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [redacted] Team: B Date: 7/25/15

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: 
Date: / / Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: Date Assigned: 
Date Due: 

WORK ORDER 1059456 SHOWS WORK HAS BEEN COMPLETED ON 8-7-15

Response by: Keeley Title: CSJ Date: 8/14/15 Time: 11:30 AM

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: 
Date: 8/14/15 Time: 1340

RESPONSE RETURNED TO INMATE: Date: 8/14/15 Time: 11:30 By:
Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
Petitioner seeks relief from conditions of confinement that violate Title 24, California Code of Regulations, Title 15, California Administrative Code, § 3600 et seq. California Code of Regulations Title 15, constitute contemporary notions of decency and are advisory in nature. The California Supreme Court has held that Section 2600.3 standard of reasonable necessity is equally binding on county jails. (De Lauce vs Superior Court 31 Cal 3d 865, 872 (1982)).

Moreover, Section 6030 of the California Penal Code provides in part (b) The Board of Corrections shall establish minimum standards for local detention facilities by July 1, 1972. The Board of Corrections shall review such standards biennially and make any appropriate revisions. (a) The standards shall include, but not limited to, the following: health and
sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training.

It is appropriate to look to the standards established by the California Board of Corrections because the Legislature intended that the "minimum standards it mandated the Board of Corrections to adopt to represent something other than an ideal, outside the scope of attainment. This is borne out by Penal Code Section 4015, which states:

"The sheriff must receive all persons committed to jail by competent authority. The board of supervisors shall provide the sheriff with necessary food, clothing, and bedding, for such persons, which shall be of a quality and quantity at least equal to the minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing, and care of inmates in all county, city and other local jails and detention facilities."

Santa Clara Department of Corrections state that 2-1/4 West is in compliance with Title 15 and 24 as well as saying because the building was constructed in 1950, they do not have to follow the Board of Corrections Standards. California Board of Corrections state that they do not have the authority to direct Santa Clara D.O.C. to follow the minimum standards. (See attached letter and excsequies.) Sections 1100-1121 of Title 15 may not be in fact applicable as such to the Santa Clara D.O.C, Main Jail South since Title 15 contains a partial exclusion clause for facilities which were in compliance with standards in effect at the time of original planning. While we note that the Court Reserve Jurisdiction it need not address the question of whether Santa Clara Main Jail South was in compliance at the time of planning because that is immaterial to the constitutional issues and whether the Title 15 standards are relevant to contemporary standards of decency.
Example. Because Santa Clara O.C. Main Jail South was constructed in the 1950's, does that mean they don't have to comply with the Civil Rights enactment of 1964 and California Penal Code 2650-2661 of 1972? The 8th Amendment prohibition against cruel and unusual punishment requires prison conditions to be humane. To establish an 8th Amendment violation, petitioner must show (1) a deprivation that is objectively, sufficiently serious that petitioner was denied the minimal civilized measure of life's necessities and (2) a sufficiently culpable state of mind on the part of the Defendants' officials, such as deliberate indifference to inmate health or safety.

Petitioner states a cause of action by alleging that jail officials have and continue to exhibit deliberate indifference for exposing inmates to overcrowded conditions, unsanitary and mold contamination which officials knew of and have failed to remedy which posed an unreasonably risk of serious damage to my future health.

The foregoing is true and correct to the best of my knowledge, signed under penalty of perjury on July 27, 2015

[Signature]

Petitioner

7/27/15
September 9, 2014

[Redacted]

Elmwood Correctional Facility
701 S. Abel St.
Milpitas, CA 95035

Dear Mr. [Redacted]:

The Board of State and Community Corrections (BSCC) is in receipt of your letter dated August 24, 2014 in which you state your Constitutional Rights have been violated at the Santa Clara County Elmwood Facility.

The BSCC, among its various responsibilities, is tasked with establishing and revising minimum standards for local adult and juvenile detention facilities. BSCC also inspects those facilities for compliance with the standards and reports its findings biennially to the State Legislature. However, BSCC has no statutory authority to investigate specific issues of the nature you describe. We do maintain letters such as yours for reference during future inspections related to the regulation in question.

If, as stated in your letter, you have filed grievances and subsequent appeals resulting in what you believe is no relief you have exhausted your administrative remedy. You next course of action is with the courts, not BSCC.

Again, this letter and response will remain in our file for future inspections and we will forward your letter and response to the facility commander.

Sincerely,

[Signature]

Ronald L. Bertrand
Field Representative
Facilities Standards and Operations Division

cc: Captain Kevin Heilman, Elmwood Facility, Santa Clara County Sheriff's Department
July 17, 2015

Mr. [redacted]
CEN# [redacted] / PFN [redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear Mr. [redacted]:

I received your letter dated July 11, 2015, appealing the response to Grievance #101481. The Board of State and Community Corrections has recently visited our facility, and all housing units were found to be in compliance with Title 15 and Title 24 standards.

I have noted that you believe your housing situation is affecting your mental health. Thank you for bringing this to my attention; I am submitting a referral to Mental Health in order to address this issue.

Sincerely,

[signature]

Captain Hoyt
Main Jail Division Commander

BH:evv

cc: Administrative / Compliance Sergeant
    Mental Health Supervisor
September 24, 2014

Mr. [redacted]
ELMWOOD – AB Barracks 9

Dear Mr. [redacted]:

This letter is in response to Grievance Numbers 97164 and 98040 in which you requested “copies of all grievances between December 2013 and August 2014”. The table below lists all Grievances received in our office during that timeframe. You are now provided copies as requested. Also enclosed are response letters from me addressing complaints you made prior to your previous release date of February 5, 2014.

<table>
<thead>
<tr>
<th>LINE ITEM</th>
<th>GRIEVANCE NUMBER</th>
<th>DATE SUBMITTED BY IM</th>
<th>DETAILS OF GRIEVANCE</th>
<th># of Pgs</th>
<th>DATE RESPONSE RTND TO IM</th>
<th>RECEIVED (Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>95026</td>
<td>12/15/2013</td>
<td>Officer misconduct</td>
<td>1</td>
<td>12/20/2013</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>95069</td>
<td>12/25/2013</td>
<td>Only 1 of 4 phones work.</td>
<td>1</td>
<td>12/26/2013</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>95290</td>
<td>12/29/2013</td>
<td>Examination and x-ray by outside doctor</td>
<td>2</td>
<td>01/17/2014</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>95235</td>
<td>1/10/2014</td>
<td>Change release date to 2/2/14</td>
<td>1</td>
<td>1/23/2014</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>95237 - Not in file - See letter to you dated 1-29-14</td>
<td>1/11/2014</td>
<td>X-ray, exam by doctor ASAP</td>
<td>1</td>
<td>1/29/14 - letter</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>95460</td>
<td>1/12/2014</td>
<td>Denied access to programs &amp; yard time.</td>
<td>1</td>
<td>1/29/2014</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>95573</td>
<td>1/23/2014</td>
<td>Placed in the sandec during shakedown - Stop humiliation &amp; oppressive treatment of prisoners</td>
<td>1</td>
<td>2/5/2014</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>95477</td>
<td>1/27/2014</td>
<td>Fix toilet and plumbing in M2B</td>
<td>1</td>
<td>1/30/2014</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>95787</td>
<td>1/28/2014</td>
<td>Medical doctor on-site especially with H1N1.</td>
<td>1</td>
<td>2/24/2014</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>95514</td>
<td>1/30/2014</td>
<td>Fix defective plumbing in M2-B</td>
<td>1</td>
<td>2/14/2014</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>97092</td>
<td>5/30/2014</td>
<td>RCP access to phones is limited</td>
<td>1</td>
<td>7/11/2014</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>97406</td>
<td>6/8/2014</td>
<td>Several requests for med rec who response.</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LINE ITEM</td>
<td>GRIEVANCE NUMBER</td>
<td>DATE SUBMITTED BY IM</td>
<td>DETAILS OF GRIEVANCE</td>
<td>NUMBER OF PAGES</td>
<td>DATE RESPONSE RTND TO IM</td>
<td>RECEIVED (Initials)</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>-----------------</td>
<td>--------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>15</td>
<td>97407</td>
<td>6/14/2014</td>
<td>Pain meds not working, no lower bunk &amp; tier yet.</td>
<td>1</td>
<td>6/18/2014</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>97197</td>
<td>6/15/2014</td>
<td>Needs a chair in his cell.</td>
<td>1</td>
<td>6/18/2014</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>97246</td>
<td>6/21/2014</td>
<td>Seat in cell for writing and dining purposes</td>
<td>2</td>
<td>7/16/2014</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>97405</td>
<td>6/26/2014</td>
<td>Sgt Gillotte violated my rights to petition govt.</td>
<td>1</td>
<td>6/28/2014</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>97618</td>
<td>7/16/2014</td>
<td>Investigation, injunction, declaratory &amp; monetary damages, removal from rehab program</td>
<td>1</td>
<td>7/28/2014</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>97722</td>
<td>7/24/2014</td>
<td>Time limits of each level grievance response</td>
<td>1</td>
<td>8/15/2014</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>98333</td>
<td>8/19/2014</td>
<td>Complains that IM's grievance, medical responses and IM Req Forms are being left out and viewable by others; violation of IM confidentiality</td>
<td>1</td>
<td>7-7-14</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>98041</td>
<td>8/21/2014</td>
<td>Copy of all medical records and medical grievances submitted 11-2013 to 08-2014</td>
<td>1</td>
<td>12-8-14</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>98040</td>
<td>8/21/2014</td>
<td>Wants copy of all grievances filed between 12/2013 and August 2014</td>
<td>1</td>
<td>5 days</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>98170</td>
<td>8/25/2014</td>
<td>Officer Misconduct by C/D Singh</td>
<td>1</td>
<td>5 days</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>98171</td>
<td>8/30/2014</td>
<td>Requests equal IM opportunity as a CDC inmate</td>
<td>1</td>
<td>5 days</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>98169</td>
<td>08/13/2014</td>
<td>Requests copies of grievances from Dec 2013-July 2013</td>
<td>1</td>
<td>12 days</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>98258</td>
<td>09/04/2014</td>
<td>Requests on-site physician</td>
<td>2</td>
<td>09/17/2014</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>98324</td>
<td>09/06/2014</td>
<td>Alleges misconduct by Lt. Davis and Lt. Borgminder on 7/7/14 while inmate was on Transportation bus at MJ silly port.</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LINE ITEM</td>
<td>OTHER DOCUMENT</td>
<td>DATE SUBMITTED BY IM</td>
<td>DETAILS OF DOCUMENT</td>
<td>NUMBER OF PAGES</td>
<td>DATE RESPONSE RTND TO IM</td>
<td>RECEIVED (Initials)</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>---------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>31</td>
<td>Letter</td>
<td>12/25/2013</td>
<td>IA complaint to IA requesting to have hot water leak in Barracks 5 repaired.</td>
<td>1</td>
<td>2/11/2014</td>
<td>Not In Custody</td>
</tr>
<tr>
<td>32</td>
<td>Letter</td>
<td>01/28/2014</td>
<td>Letter to Captain alleging officer misconduct</td>
<td>1</td>
<td>03/18/2014</td>
<td>Not In Custody</td>
</tr>
<tr>
<td>33</td>
<td>Infraction</td>
<td>Inf Date: 01/18/14</td>
<td>Attendance in unauthorized area Possession of Contraband Failure to treat officer w/ courtesy &amp; respect</td>
<td>1</td>
<td></td>
<td>NIC</td>
</tr>
<tr>
<td>34</td>
<td>Infraction</td>
<td>Inf Date: 06/03/14</td>
<td>Disobeying a written or verbal order from staff</td>
<td>2</td>
<td>6/12/14 – 6/28/14</td>
<td>NIC</td>
</tr>
</tbody>
</table>

Sincerely,

Captain D. Sepulveda
Elmwood Division Commander

DS / nta

cc: Chief J. Hirokawa
    Cheryl Stevens – County Counsel
TO DIVISION COMMANDER HAVT

FROM: [Redacted]

DATE: 9-16-15

RE: APPEAL LETTER - DENIAL OF GRIEVANCE #101948

This is an appeal of denied grievance #101948 which I'm seeking placement in C.A.S.O. I've received conflicting reports. My attorney Kipp Davis explained to me that I'm eligible during sentencing. Justice Gillies stated that my two prior firearm possessions makes me not eligible. According to the grievance response my file is under review and has been since May 2015. Now I have not been recommended "suitable" for the program.

These actions are retaliatory in nature due to my litigation activity and violates my equal protection clause of the 14th amendment, and retaliation for exercising my right to petition government for redress of grievances. All of my prior and current convictions are non-violent and non-serious offenses. I'm AB 109 and 1170(h) which makes me eligible for residential treatment. I've completed the 8-week class program and continue self study which indicates rehabilitative potential pursuant to 1170(b)(4) & 1170(f)(6).

The foregoing is true and correct to the best of my knowledge. Signed under penalty of perjury on 9-16-15

[Redacted]
TO: DIVISION COMMANDER HOLT

From: [Redacted]

Date: 8-15-15 / 8-25-15

RE: Appeal Letter of Grievance 101666

This is an appeal of Grievance 101666 in which mold and standing water is present in 3A-14-04. No work has been completed for water still leaks from toilet flush button which leaks and mold is present between sink and toilet. Work order 10598456 was not completed on 8-7-15 due to Deputy Crawford taking pictures on 8-14-15 regarding this issue.

P.S. On 8-17-15, I was re-housed and SGT Kirkland video my proper space, I am confused for an Grievance 101304 and your appeal response states that a SGT and video is not required. Please clarify.

Sincerely,

[Redacted]

Santa Clara D.O.C. Main Unit
150 West Hedding St
San Jose, CA 95110-1718

Sincerely,

[Redacted]
INMATE GRIEVANCE FORM

INMATE’S NAME: [ ]
BOOKING NUMBER: [ ]
HOUSING UNIT: 2-Hwest

DETAILS OF GRIEVANCE: PRINT! BE SPECIFIC:
On 6-17-15 I was re-housed from 7-A to 2-Hwest. My pro-per box was searched with a Sergeant present and video.
On I got to 2-Hwest, Officer searched my pro-per box without a Sergeant and against procedure. Sgt Bracknell said it was OK as long as I’m present. I would like to know why the Sergeant does not need to be present with video.

WHAT SOLUTION ARE YOU RECOMMENDING?: Speak with Captain Holt

Your Signature: [ ]
Date: 6/18/15 Time: 11 AM/PM
(Do not write below this line. Use additional sheets if necessary)

RESPONDING OFFICER’S STATEMENT (Please print):

[ ] Resolved [ ] Refer to Level II

Officer’s Name: [ ]
Team: [ ] Date: [ ]
SUPERVISOR’S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor’s Name: [ ]
Team: [ ] Date: [ ]
SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE:
Date: [ ]
Time: [ ]
SUPPORT SERVICE RESPONSE: Unit Assigned: [ ]
Date Due: [ ]
Response by: [ ]
Title: [ ]
Date: 6/22/15 Time: 11 AM/PM

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE:
Date: 6/24/15 Time: [ ]
RESPONSE RETURNED TO INMATE: Date: 6/24/15 Time: [ ]
Distribution: White-Administration, Canary-Inmate (Final Disposition), Pink-Inmate (Initial Receipt)

5858 REV 7/12
June 24, 2015

Mr. [Redacted]
CEN# [Redacted] / PFN [Redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear Mr. [Redacted],

I received your letter dated June 19, 2015, regarding the search of your Pro Per box. Your grievance on this issue was received in our office on June 23, 2015, and the response is attached. Your Pro Per box may be searched in your presence, without a sergeant and without being videotaped.

Sincerely,

[Signature]

Captain [Redacted]
Main Jail Division Commander

BH:evv

cc: Legal Resource Coordinator
MR: [Redacted] [Redacted]
Santa Clara D.O.C. - Main Jail
150 West Hedding St.
San Jose, CA 95110-1718

COUNTY JAIL
GENERATED MAIL

SANTA CLARA COUNTY SHERIFF OFFICE
ATTN: LADORIS CORDELL - BLUE RIBBON COMMISSION
55 WEST YOUNGER STREET
SAN JOSE, CA 95110

<(legal mail)>
<(confidential)>
<(legal mail)>
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,

v.

SANTA CLARA DEPARTMENT OF CORRECTION, et al.,

Defendants.

Case No.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 2, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Santa Clara Department of Corrections
Main Jail
150 West Hedding St
San Jose, CA 95110

Dated: October 1, 2015

Susan Y. Soong
Clerk, United States District Court

By: Nikki D. Riley, Deputy Clerk to the Honorable HAYWOOD S. GILLIAM, JR.
c. Defendants shall file a reply brief no later than 14 days after the date the opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion.

4. Plaintiff is advised that a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case. Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact — that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what your complaint says. Instead, you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(c), that contradict the facts shown in the defendants’ declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, your case will be dismissed and there will be no trial. *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc) (App. A).

Plaintiff also is advised that a motion to dismiss for failure to exhaust available administrative remedies under 42 U.S.C. § 1997e(a) will, if granted, end your case, albeit without prejudice. You must “develop a record” and present it in your opposition in order to dispute any “factual record” presented by defendants in their motion to dismiss. *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n.14 (9th Cir. 2003).

(The *Rand* and *Wyatt* notices above do not excuse defendants’ obligation to serve said notices again concurrently with motions to dismiss for failure to exhaust available administrative remedies and motions for summary judgment. *Woods*, 684 F.3d at 939).

5. All communications by plaintiff with the Court must be served on defendants’ counsel by mailing a true copy of the document to defendants’ counsel. The Court may disregard any document which a party files but fails to send a copy of to his opponent. Until a defendants’
claim showing that the pleader is entitled to relief.” “Specific facts are not necessary; the
statement need only “give the defendant fair notice of what the ... claim is and the grounds upon
in order to state a claim a complaint “does not need detailed factual allegations, ... a plaintiff’s
obligation to provide the grounds of his ‘entitle[ment] to relief’ requires more than labels and
conclusions, and a formulaic recitation of the elements of a cause of action will not do, ... 
Factual allegations must be enough to raise a right to relief above the speculative level.” *Bell
must proffer “enough facts to state a claim for relief that is plausible on its face.” *Id.* at 1974.

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements:
(1) that a right secured by the Constitution or laws of the United States was violated, and (2) that
the alleged violation was committed by a person acting under the color of state law. *West v.

B. **Legal Claims**

Plaintiff alleges in the FAC that he sent an appeal letter to defendant Division Commander
Hoyt in an envelope labeled “confidential legal mail.” On February 24, 2015, defendant Deputy
Hogan charged plaintiff with a major rule infraction for disobeying a prior order not to send
grievances via confidential legal mail. Plaintiff appealed the infraction, but his appeal was
rejected by defendant Division Commander Hoyt and defendant Chief of Corrections John
Hirokawa. Plaintiff claims that by punishing him for filing an administrative grievance, or by
acquiescing in this punishment, these defendants violated his right to access the courts and
retaliated against him for exercising his First Amendment rights. When liberally construed, these
claims are cognizable.¹

Plaintiff has not cured the deficiencies that were present in his original complaint with
respect to suing the Santa Clara County Department of Corrections, an entity of Santa Clara

¹ Plaintiff also mentions disciplinary infractions he received in June 2014 and January 2015. See
FAC at 6-7, 13. These incidents are the subject of separate civil actions brought by plaintiff and
currently pending in this Court. See *___ v. Gilloite*, C. ___ and *___ v. Hoyt*, C.
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,

v.

SANTA CLARA SHERIFF
DEPARTMENT, et al.,

Defendants.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 2, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Santa Clara Department of Corrections
Main Jail
150 West Ickeding St
San Jose, CA 95110

Dated: October 1, 2015

Susan Y. Soong
Clerk, United States District Court

By:  
Nikki D. Riley Deputy Clerk to the
Honorable HAWOOD S. GILLIAM, JR.
exhaustion provided later in this order as he prepares his opposition to any motion to dismiss.

c. Defendants shall file a reply brief no later than 14 days after the date the opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion.

4. Plaintiff is advised that a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case. Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what your complaint says. Instead, you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(c), that contradict the facts shown in the defendants’ declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, your case will be dismissed and there will be no trial. Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc) (App. A).

Plaintiff also is advised that a motion to dismiss for failure to exhaust available administrative remedies under 42 U.S.C. § 1997e(a) will, if granted, end your case, albeit without prejudice. You must “develop a record” and present it in your opposition in order to dispute any “factual record” presented by defendants in their motion to dismiss. Wyatt v. Terhune, 315 F.3d 1108, 1120 n.14 (9th Cir. 2003).

(The Rand and Wyatt notices above do not excuse defendants’ obligation to serve said notices again concurrently with motions to dismiss for failure to exhaust available administrative remedies and motions for summary judgment. Woods, 684 F.3d at 939).

5. All communications by plaintiff with the Court must be served on defendants’ counsel by mailing a true copy of the document to defendants’ counsel. The Court may disregard any
claim showing that the pleader is entitled to relief.” “Specific facts are not necessary; the
statement need only “‘give the defendant fair notice of what the . . . claim is and the grounds upon
in order to state a claim a complaint “does not need detailed factual allegations, . . . a plaintiff’s
obligation to provide the grounds of his ‘entitle[ment] to relief’ requires more than labels and
conclusions, and a formulaic recitation of the elements of a cause of action will not do . . . .
Factual allegations must be enough to raise a right to relief above the speculative level.” Bell
must proffer “enough facts to state a claim for relief that is plausible on its face.” Id. at 1974.

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements:
(1) that a right secured by the Constitution or laws of the United States was violated, and (2) that
the alleged violation was committed by a person acting under the color of state law. West v.

B. Legal Claims

Plaintiff alleges in the FAC that he filed an administrative grievance with jail officials via a
letter to defendant Division Commander Hoyt in an envelope labeled “confidential legal mail.”
On January 22, 2015, defendant Deputy Crawford charged plaintiff with a major rule infraction for
disobeying a prior order not to send grievances via confidential legal mail. Defendant Lieutenant
Borgzinner later found plaintiff guilty of the major rule infraction and sent him to disciplinary
isolation. Plaintiff appealed the disciplinary finding, but his appeal was rejected by defendant
Hoyt. Plaintiff claims that by punishing him for filing an administrative grievance, or by
acquiescing in this punishment, these defendants violated his right to access the courts and
retaliated against him for exercising his First Amendment rights. When liberally construed, these
claims are cognizable.¹

Plaintiff has not cured the deficiencies that were present in his original complaint with

¹ Plaintiff also mentions disciplinary infractions he received in June 2014 and February 2015. See
FAC at 5. These incidents are the subject of separate civil actions brought by plaintiff and
currently pending in this Court. See [redacted] v. Gillote, C. 12-5210 (PR) and [redacted] v. Hoyt, C.
[redacted] (PR).
F. Plaintiff's Request for Appointment of Counsel

Plaintiff has requested that counsel be appointed to assist him in this action. Dkt. 39. A district court has the discretion under 28 U.S.C. § 1915(c)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See id. Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915 (e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident. The request for appointment of counsel is therefore DENIED. The Court will consider appointment of counsel on its own motion, and seek volunteer counsel to agree to represent plaintiff pro bono, if it determines at a later time in the proceedings that appointment of counsel is warranted.

G. Plaintiff's Motion for Summary Judgment

Finally, plaintiff has filed a motion for summary judgment. Dkt. 40. The motion is difficult to understand, and the Court cannot discern whether it is based on the allegations in the SAC. In any event, it is premature in that it was filed before the Court had screened the SAC. Accordingly, plaintiff's motion for summary judgment is DENIED without prejudice. He may refile a motion for summary judgment, based on the allegations found cognizable in the first amended complaint, after defendants have filed their dispositive motion.

CONCLUSION

For the foregoing reasons, the Court orders as follows:

1. Plaintiff's motion for leave to file a Second Amended Complaint (dkt. 35), is DENIED. The First Amended Complaint (dkt. 7), remains the operative pleading herein.

2. Defendants' administrative motion for the Court to screen the Second Amended Complaint (dkt. 38), is DENIED as moot.

3. Defendants' motion to strike plaintiff's response to the answer (dkt. 34) is GRANTED.

4. Plaintiff's motion for emergency injunctive relief (dkt. 33), is DENIED.

5. Plaintiff's motion for production of documents (dkt. 37) is DENIED.
omitted) (emphasis in original). The standard for issuing a TRO is similar to that required for a
preliminary injunction. See Los Angeles Unified Sch. Dist. v. United States Dist. Court, 650 F.2d
1004, 1008 (9th Cir. 1981). “A plaintiff seeking a preliminary injunction must establish that he is
likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of
preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the

It appears that plaintiff is seeking to expand his causes of action by using the request for
preliminary injunctive relief as a means to litigate additional claims unrelated to those set forth in
his complaint. However, plaintiff cannot seek relief related to events occurring after the filing of
the instant lawsuit and which are not related to the incident at issue, nor can he seek relief against
non-parties. The purpose of a preliminary injunction is to preserve the relative positions of the
parties until a trial on the merits can be held. University of Texas v. Camenisch, 451 U.S. 390, 395
(1981). Here, plaintiff’s request for preliminary injunctive relief does not accomplish that goal
with respect to the subject matter of this action. To the extent that plaintiff believes he may be in
need of, and legally entitled to, relief based on the assertions in this motion, plaintiff must first
exhaust his administrative remedies for these new claims and then, if appropriate, bring a new
federal action.

Accordingly, plaintiff’s motion for a preliminary injunction is DENIED.

E. Plaintiff’s Motion for Discovery

Plaintiff has filed a motion for production of documents. Dkt. 37. The Court has reviewed
the motion and determines that it is actually a discovery request that plaintiff intended to serve on
defendants. The filing reflects plaintiff’s misunderstanding of the discovery process, as a party
may not obtain discovery by simply telling the court what he wants to learn. The court generally
is not involved in the discovery process and only becomes involved when there is a dispute
between the parties about discovery responses. Discovery requests and responses normally are
exchanged between the parties without any copy being sent to the court. See Fed. R. Civ. P.
5(d)(1) (listing discovery requests and responses that “must not” be filed with the court until they
are used in the proceeding or the court orders otherwise). Accordingly, the motion is DENIED.
party. Fed. R. Civ. P. 15(b). Here, because plaintiff has already amended the complaint once, and because more than 21 days passed between defendants’ filing of their answer and plaintiff’s filing of the “Amend to Complaint,” plaintiff requires leave of court to file a SAC.

Rule 15(a) instructs that “leave shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a). However, “[l]eave need not be granted where the amendment of the complaint would cause the opposing party undue prejudice, is sought in bad faith, constitutes an exercise in futility, or creates undue delay.” Ascon Props., Inc. v. Mobil Oil Co., 866 F.2d 1149, 1160 (9th Cir. 1989) (citation omitted). A district court’s discretion to deny leave to amend is particularly broad where the plaintiff has previously filed an amended complaint. Wagh v. Metris Direct, Inc., 363 F.3d 821, 830 (9th Cir. 2003), overruled on other grounds by Odom v. Microsoft Corp., 486 F.3d 541, 551 (9th Cir. 2007).

Applying this standard here, the Court finds that amendment would be futile and is sought in bad faith. Specifically, upon review of plaintiff’s proposed SAC, the Court finds that plaintiff seeks to bring claims that: (1) have already been found non-cognizable in this action; (2) have already been dismissed in a prior action; and (3) raise different causes of action and legal issues than the ones in the amended complaint, without linking any of the current defendants to the claims, see Fed. R. Civ. P. 20(a)(2). 3

The Court notes that the SAC also appears to allege supplemental claims in that plaintiff adds new claims for retaliation and denial of access to the courts arising out of events occurring several months after this action was filed. The court may permit a party to serve supplemental pleadings “setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). Matters newly alleged in a supplemental

---

1 The SAC alleges that officers verbally harassed plaintiff while he was being transported (dkt. 35 at 4, 25), and that he was punished for helping another inmate pursue a grievance (id. at 4). Both claims were dismissed by the February 3, 2015 order of service. Dkt. 10 at 3.

2 The SAC alleges that plaintiff received inadequate care from the Santa Clara County Department of Correction. Dkt. 35 at 1-2, 11-12, 21-23. The Honorable Jeffrey S. White of this court dismissed these claims in [redacted]

3 The SAC includes new allegations regarding conditions of confinement. Dkt. 35 at 6-7, 24.
SANTA CLARA CO. SHERIFF OFFICE

55 WEST YOUNG STREET
SAN JOSE, CA 95110

COUNTY JAIL
GENERATED MAIL

(legal mail)
(Confidential)
(legal mail)
On 9-23-15, Correctional Officers [redacted] and [redacted] made threats of physical harm during breakfast with statements such as "you got C-Team f*cked up - will beat your ass" for no apparent reason. I filed a grievance tracking #102234 which was denied. Then on 10-12-15, [redacted] stated to me that "my paperwork won't do shit to him," referencing my grievance I filed. I filed another grievance regarding that incident for prison officials may not retaliate against or harass me for exercising right of access to courts or for complaining to supervisor about guards misconduct. (see Woods v. Smith, 60 F.3d 1161 (1995)).

The right of access to the Courts is an aspect of the First Amendment right to petition government for redress of grievances. 96 prison statement had a chilling effect on my right to petition which is impermissible, and that the filings of Greenwood is protected conduct under the Constitution.

I seek monetary damages and disciplinary actions. The foregoing is true and correct, signed under penalty of perjury on this day of 10-14-15

Sincerely

[Address]

[Redacted]

10-14-15
TO: Division Commander Hoyt

From: [Redacted]

DATE: 10-23-15

RE: Appeal of Grievance #102387

On 10-12-15, while walking to dining hall, 96 [Redacted] stated to me "your paperwork isn't going to do shit to me," referring to Grievance Tracking #102234. As of all of my Grievances, the response from staff are lies all the way to the facility Commander. There was witnessed to the events that I've reported. Scott, CulP, pan [Redacted] and 96 Murillo of D Team was standing next to 96 Pineda when he made that statement.

I'm requesting a copy of the Investigation report (#2015-5401) as I'm the Attorney of Record for Court proceedings. The foregoing is true and correct to the best of my knowledge, signed under penalty of perjury on this day of 10-22-15.

Sincerely,

[Redacted]

Santa Clara Doc - Main Jail
150 West Hedding St
San Jose, CA 95110-1718

10-22-15
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: ON 10-13-15 DURING MEAL, AIC
stated that my "paperwork isn't going to do shit to Him", in reference to
Grievance Tracking # 102334. Pursuant to policy and procedure section 14.03-03(9)(b)
he has violated my right to be free, and protected from harassment from staff.
This is also retaliatory in nature for exercising my right to petition Government
for redress of grievances, and a threat to my safety.

WHAT SOLUTION ARE YOU RECOMMENDING?: DISCIPLINARY ACTION, MONETARY DAMAGES

Your Signature: [Redacted] Date: 10-13-15 Time: 8 AM/PM

************************************************************************************
Received from Inmate on:
Day: TUESDAY Date: 10/13/15 Time: 11:20 Officer: ZAPATA Team: A

RESPONDING OFFICER'S STATEMENT (Please print):

[ ] Resolved [ ] Refer to Level II
Officer's Name: [Redacted] Team: [Redacted] Date: [Redacted]

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III
Supervisor's Name: [Redacted] Team: [Redacted] Date: [Redacted]

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE:

[Redacted] Date: [Redacted] Time: [Redacted]

SUPPORT SERVICE RESPONSE: Unit Assigned: [Redacted] Date Assigned: [Redacted]
Date Due: [Redacted]

Response by: [Redacted] Title: [Redacted] Date: [Redacted] Time: [Redacted]

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE:

[Redacted] Date: [Redacted] Time: [Redacted]

RESPONSE RETURNED TO INMATE: Date: [Redacted] Time: [Redacted]
Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
**Main Jail** | **Main Jail South** | **North County Jail**
---|---|---

**SANTA CLARA COUNTY DEPARTMENT OF CORRECTION**

**INMATE GRIEVANCE FORM**

<table>
<thead>
<tr>
<th>INMATE'S NAME</th>
<th>BOOKING NUMBER</th>
<th>HOUSING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td>[Redacted]</td>
<td>345 EAST</td>
</tr>
</tbody>
</table>

**DETAILS OF GRIEVANCE.** PRINT! BE SPECIFIC!: **ON 10-13-15 DURING BREAKFAST, [Redacted]** stated that my "paperwork isn't going to do shit to me," in reference to grievance tracking 

*102334.* Pursuant to policy and proceeding section 14.03-03(9)(i), he has violated my right to be free and protected from harassment from staff. This is also retaliatory in nature for exercising my right to petition government for redress of grievances, and a threat to my safety.

**WHAT SOLUTION ARE YOU RECOMMENDING?** Disciplinary Action: Monetary Damages

**Your Signature:** [Redacted]

**Date:** 10/13/15  
**Time:** [Redacted] PM

---

**RESPONDING OFFICER'S STATEMENT (Print):** [Redacted]

I have never made contact with inmate [Redacted] at any time. The above accusation never occurred. Inmates from 3rd West are directed to inmates from 3rd West to walk through the show hall to pick up their breakfast and walk back to their assigned messhalls. To my knowledge no inmate has ever accused about his right to be free and harassment from staff when receiving his breakfast from 3rd West.

**Resolved [ ] Refer to Level II**

---

**SUPERVISOR'S ACTION:** The original grievance was investigated (# 2015-5401) and was unfounded. Deputy [Redacted] and Deputy working 3rd West on 10-13-15 said the above comments are untrue. You were unable to provide me with any deputy or inmate witnesses to support your claim. With the information provided, I find this grievance unfounded.

**Resolved [ ] Refer to Level III**

---

**SHIFT LIEUTENANT REVIEW:** [ ] Concur [ ] Reversed

---

**SIGNATURE:** [Redacted]

**Date:** 10/21/15
**Time:** [Redacted]

---

**SUPPORT SERVICE RESPONSE:** Unit Assigned: [Redacted]  
**Date Due:** 10/28/15

---

**Response by:** [Redacted]

**Title:** [Redacted]

**Date:** / /  
**Time:** [Redacted]

---

**FACILITY COMMANDER/DESIGNEE REVIEW:** [ ] Concur [ ] Reversed

---

**SIGNATURE:** [Redacted]

**Date:** 10/21/15
**Time:** [Redacted]

---

**RESPONSE RETURNED TO INMATE:** Date: 10/21/15  
**Time:** [Redacted]  
**By:** [Redacted]  
**Distribution:** White-Administration, Canary-Intermediate (Final Disposition), Pink-Intermediate (Initial Receipt)
October 20, 2015

Mr. 
CEN# /PFN 
Main Jail Complex 
150 West Hedding Street 
San Jose, CA 95110

Dear Mr. :

I received your letters dated October 1 and October 14, 2015, which is appealing the response to Grievance #102234.

Grievance #102234 states that you believe several deputies threatened you with physical harm. Please be assured that I take all claims of this nature very seriously. After a thorough investigation, including interviewing witnesses, it has been determined that there is no evidence for these claims. Therefore, the answer to Grievance #102234 still stands.

Sincerely,

Captain Hoyt 
Main Jail Division Commander

BH:evv

cc: Legal Resource Coordinator
October 27, 2015

PFN: ___________
885 N. San Pedro St.
San Jose, CA 95110

RE: Claimant:
Date of Loss: 9-23-2015
Our Claim No.: ___________
Board of Supervisors' No.: ___________

Dear [NAME]:

Our office investigates incidents and claims alleged against the County of Santa Clara.

On October 16, 2015 you filed documents with the Clerk of the Board of Supervisors, who sent them to our office for review and action. We acknowledge receipt of your documents and have setup a file for follow-up activity.

The adjuster handling this file is: Ted Althausen. You may reach him at the above address and at his direct telephone number (408) 441-4345. Once our review process is complete, you may expect a formal written response to your claim submission.

Very truly yours,

[Signature]

ESA Liability/Property Claims Department

TA: m

CLAIM AGAINST THE COUNTY OF SANTA CLARA

Please submit the completed form to the Clerk of the Board of Supervisors, 70 W. Hedding St., East Wing, 10th Floor, San Jose, CA 95110

Please attach additional pages as needed.

FOR CLERK’S USE ONLY

1. Claimant’s full name: [Redacted] □ Minor

2. Claimant’s telephone number:

3. Claimant’s mailing address: 150 WEST HEDDING ST, SAN JOSE, CA

4. Mailing address to which notices are to be sent, if different from 3:

5. Date of the incident or loss: 9-23-15 & 10-12-15

6. Location of the incident or loss: SANTA CLARA D.O.C. MAIN JAIL

7. Describe how the incident or loss happened and the reason why you believe the County of Santa Clara is liable for your damages:

   DURING SEARCH, [Redacted]

   THEREFORE, I WAS THREATENED WITH PHYSICAL HARM. THEN AFTER THE FILING OF A GRIEVANCE, [Redacted] STATED THAT MY PAPERWORK WENT ON A HANGING BLANKET, THEN THE INMATES TOOK OUT THE HANGING BLANKET. GRIEVANCE FILED ON 10-18-15

8. Describe the injury, damage, or loss:

   HARASSMENT & THREAT OF PHYSICAL HARM

   ANXIETY ATTACK, VIOLATION OF POLICY AND PROCEDURE-SECTION 14.02.080(A)(1) D.O.C

9. If a public employee is involved in the injury, damage, or loss, provide name if known: [Redacted]

10. Name of witness, if any:

11. If the claim is for less than $10,000, state the total amount of the claim: $50,000.00

List the items totaling the amount of the claim:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. If the claim is for more than $10,000, is the amount over $25,000? Yes X No

Signature of Claimant or Representative

Date 10-15-15

Any person who, with the intent to defraud, presents any false or fraudulent claim may be punished either by imprisonment or fine, or both. See section 72 of the Penal Code.
GOVERNMENT TORT CLAIM FORM

(PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED)

CLAIM AGAINST:  Santa Clara C.O.C.  (NAME OF PUBLIC ENTITY).

1. CLAIMANT'S NAME:  [Redacted]

2. CLAIMANT'S MAILING ADDRESS:  150 West Hedding St
   (ADDRESS)
   San Jose  CA  95110-1718
   (CITY)  (STATE)  (ZIP CODE)

3. AMOUNT OF CLAIM:  $50,000.00

IF THE AMOUNT CLAIMED EXCEEDS TEN THOUSAND DOLLARS ($10,000), THE AMOUNT
OF THE CLAIM SHOULD BE UNSPECIFIED AND CLAIMANT SHOULD INDICATE THE
TYPE OF CIVIL CASE:

☐ LIMITED CIVIL CASE ($25,000 OR LESS)

☒ NON-LIMITED CIVIL CASE (OVER $25,000)

4. ITEMIZATION OF CLAIM:  (How was the amount claimed above computed; list items totaling
   amount set forth above, including damages for pain and suffering, if applicable).  IF YOU HAVE
   SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED (BILLS, RECEIPTS, ETC.),
   PLEASE ATTACH THREE (3) COPIES TO THIS CLAIM.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Violation of Santa Clara C.O.C. policy &amp; Procedure 14.03.03(9)(11)</td>
</tr>
<tr>
<td>2</td>
<td>1st Amendment Retaliation</td>
</tr>
<tr>
<td>3</td>
<td>Penal Code 147 $50,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Civil Code 3288, 3294</td>
</tr>
</tbody>
</table>

(CONTINUE ITEMIZATION ON SEPARATE SHEET, IF NECESSARY)

5. ADDRESS TO WHICH NOTICES ARE TO BE SENT IF DIFFERENT FROM LINES 1 AND 2:

   [Redacted]  911
   (NAME)

   150 West Hedding St
   (STREET OR P.O. BOX NUMBER)

   San Jose  CA  95110-1718
   (CITY)  (STATE)  (ZIP CODE)
6. DATE & TIME OF ACCIDENT OR LOSS: 9-23-15 & 10-12-15

7. LOCATION OF ACCIDENT OR LOSS (INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER):
Santa Clara D.O.C. - Main Jail - 150 West Hedding ST
San Jose, CA 95110-1718

8. HOW DID THE ALLEGED ACCIDENT OR LOSS OCCUR? STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE PUBLIC ENTITY:

Drowning. Breakfast, 96 Threatened me with physical harm. They stated that "they will boot my ass." On 10-12-15 after filing a grievance of 10-23-14, 96 stated that "my paperwork went to shit to him." This is a violation of Santa Clara D.O.C. Policy & Procedure 14.03-03[9] (11) and retaliation of 1st Amendment

(CONTINUE ON SEPARATE SHEET, IF NECESSARY)

9. DESCRIBE INJURY / DAMAGE / LOSS: Harassment, Threat of Harm, Exhalations

Anxiety Attack

(CONTINUE ON SEPARATE SHEET, IF NECESSARY)

10. NAME OF PUBLIC EMPLOYEE (S) CAUSING INJURY / DAMAGE / LOSS, IF KNOWN: 96

11. SIGNATURE OF CLAIMANT OR ATTORNEY/REPRESENTATIVE:
X DATED: 10-15-15

12. DAYTIME TELEPHONE NUMBERS (PLEASE INCLUDE AREA CODE)
CLAIMANT ( ) ATTORNEY/REPRESENTATIVE ( )

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

"EVERY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER, OR TO ANY COUNTY, CITY, OR DISTRICT BOARD OR OFFICER, AUTHORIZED TO ALLOW OR PAY THE SAME IF GENUINE, ANY FALSE OR FRAUDULENT CLAIM, BILL, ACCOUNT, VOUCHER, OR WRITING," IS GUILTY OF EITHER A MISDEMEANOR OR FELONY AND MAY BE SUBJECT TO IMPRISONMENT AND/OR A FINE.
Details of Grievance: PRINT! BE SPECIFIC!: LT[REDacted] AND LT[REDacted] Federal Transportation Bus outside Sally Port of the Hall of Justice and beyond to use profane, demeaning, insulting, and threatening language and body pushing towards me and other travelers on the back of the bus. Ray called us "tramps, will beat your ass," rocking, kicks, were old school fucking worthless piece of shit." 7-7-14 approximately 500 PM.

What solution are you recommending?:

Your Signature: [REDacted] Date: 7/7/14 Time: 9 AM/PM

Range from Inmate On:
Day: SAT Date: 7/6/14 Time: 03:17 Officer: [REDacted]  Team: B

Responding Officer's Statement (Please print):

[ ] Resolved [ ] Refer to Level II

Officer's Name: [REDacted] Team: [REDacted] Date: [REDacted]

Supervisor's Action:

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [REDacted] Team: [REDacted] Date: [REDacted]

Shift Lieutenant Review: [ ] Concur [ ] Reversed

Signature: [REDacted] Date: [REDacted] Time: [REDacted]

Support Service Response: Unit Assigned: [REDacted] Date Assigned: [REDacted]

Date Due: [REDacted]

You are correct that we entered the Transportation bus and addressed you and two other inmates. However, aside from that fact, your account of the situation is false. The three of you were yelling profanities through the bus windows at numerous passersby, which consisted of adults and young children. Upon witnessing these shameful behaviors, we entered the bus, quoted the foul and inappropriate language we heard you speak, and administered the three of you to cease immediately.

Response by: [REDacted] Title: LT Date: 7/12/14 Time: 10:10 AM/14

Facility Commander/Designee Review: [ ] Concur [ ] Reversed

If it were not so important to dress-down your behavior immediately, we would have recorded your custody info and followed up with infractions regarding the numerous rule violations we witnessed.

Signature: [REDacted] Date: 7/12/14 Time: [REDacted]

Response Returned to Inmate: Date: [REDacted] Time: [REDacted]

Distribution: White Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
REQUEST FOR RECONSIDERATION

NAME OF CLAIMANT

NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON (if different from claimant.)

N/A

CLAIMANT SSN

CLAIMANT CLAIM NUMBER (if different from SSN)

N/A

SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL VETERANS BENEFITS (SVB) CLAIM NUMBER

N/A

SPOUSE'S NAME (Complete ONLY in SSI cases)

N/A

SPOUSE'S SOCIAL SECURITY NUMBER (Complete ONLY in SSI cases)

N/A

CLAIM FOR (Specify type, e.g., retirement, disability, hospital/medical, SSI, SVB, etc.)

Medical Disability, Mental Health, Post Traumatic Stress Disorder, Anxiety Disorder

I do not agree with the determination made on the above claim and request reconsideration. My reasons are: I'm still suffering lower back pain sustained in 2005 - San Quentin State Prison - Occupational Accident, 2013 - Motor Vehicle vs Pedestrian Hit & Run Case and 2004 Santa Clara Dept. of Corrections Occupational Accident. I'm currently in Physical Therapy and cannot work. Also I suffer from Post Traumatic Stress Disorder - Anxiety from 2004 incident of excessive force claim vs San Francisco Police Dept. Currently on anti-anxiety meds.

SUPPLEMENTAL SECURITY INCOME OR SPECIAL VETERANS BENEFITS RECONSIDERATION ONLY

(See the three ways to appeal in the How To Appeal Your Supplemental Security Income (SSI) Or Special Veterans Benefit (SVB) Decision Instructions.)

"I want to appeal your decision about my claim for Supplemental Security Income (SSI) or Special Veterans Benefits (SVB).

I've read the three ways to appeal. I've checked the box below:"

☐ Case Review   ☐ Informal Conference   ☐ Formal Conference

ENTER ADDRESSES FOR THE CLAIMANT AND THE REPRESENTATIVE

MAILING ADDRESS

150 West Hedding ST

MAILING ADDRESS

150 West Hedding ST

CITY

San Jose

CITY

San Jose

STATE

CA

STATE

CA

ZIP CODE

95110-1718

ZIP CODE

95110-1718

TELEPHONE NUMBER (Include area code)

DATE

1-12-15

TELEPHONE NUMBER (Include area code)

DATE

1-13-15

NAME OF CLAIMANT'S REPRESENTATIVE

☐ NON-ATTORNEY   ☐ ATTORNEY

To be completed by Social Security Administration

See list of initial determinations

1. HAS INITIAL DETERMINATION BEEN MADE?  □ YES  □ NO

2. CLAIMANT INSISTS ON FILING  □ YES  □ NO

3. IS THIS REQUEST FILED TIMELY?  □ YES  □ NO

(Rel "NO", attach claimant's explanation for delay and attach any pertinent letter, material, or information in Social Security office.)

RETIREMENT AND SURVIVORS RECONSIDERATIONS ONLY (CHECK ONE) REFER TO (GN 03102.125)

☐ NO FURTHER DEVELOPMENT REQUIRED (GN 03102.330)

☐ REQUIRED DEVELOPMENT ATTACHED

☐ REQUIRED DEVELOPMENT PENDING, WILL FORWARD OR ADVISE STATUS WITHIN 30 DAYS

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS (CHECK ONE)

☐ DISABILITY DETERMINATION SERVICES (ROUTE WITH DISABILITY FOLDER)

☐ PROGRAM SERVICE CENTER

☐ District Office Reconsideration

☐ OIO, BALTIMORE

☐ CENTRAL PROCESSING SITE (SVB)

☐ OEO, BALTIMORE

NOTE: Take or mail the completed original to your local Social Security office, the Veterans Affairs Regional Office in Manila or any U.S. Foreign Service post and keep a copy for your records.

Form SSA-561-U2 (04-2013) of (04-2013)  Prior Edition May Be Used Until Exhausted

Claimant
Mr. [Name]
P.O. Box [Number]
Santa Clara County Jail
150 West Hedding St.
San Jose, CA 95110-1718

COUNTY JAIL
GENERATED MAIL

[Santa Clara Co. Sheriff Office]
[ATTN: La Doris Cordell - Blue Ribbon Commission]
55 West Younger Street
San Jose, CA 95110
Internal Affairs came seem me in January about this incident that happen 7 January 2015.

If you can see I was in the middle of a 6-month deal when the District Attorney Daniel Okonkwo took my deal pack because he feared I had strikes 8-26-2014. Changed my Misdemeanor Charges to Felonies so he can give me a 4 year term.

I was 55 days into a speedy trial 15 December 2014 when the District Attorney Rebecca Wise put me inter incompetence Court proceedings P.C.1368 because the Police and Prosecution Witnesses didn't show-up for my Pre-trial Conference.

I got jumped on by about 7 Sheriffs for asking what makes me incompetent your honor!? Ow my arm, you freaking my arm! Them you piece of shit you fancy excuse for a life. My arm upknocking my arm! Them really, really, really? All the way down that Long 603, halfway from Department 24 to the looking area. Bork my head on the wall, and choking me with 4th feet off the ground with my shirt while shackling my feet. Open the looking area door, throw me in a chair with my pants down to my ankles and say "refuse him". I recived a
Corticosteroid Injection because of this incident April 29, 2015.
March 13, 2015

Mr. [Redacted] Booking# [Redacted]
Main Jail Complex
150 W. Hedding Street
San Jose, CA 95110

Dear [Redacted],

I received your letter requesting that your prior felony convictions in Solano County Court Case Numbers [Redacted] and [Redacted] be assessed for reduction under the new Proposition 47. I have filed petitions on your behalf in [Redacted] and [Redacted] requesting reduction to a misdemeanor. The petitions in [Redacted] and [Redacted] have both been reduced to misdemeanors and are now deemed misdemeanors for all purposes.

As for case [Redacted] our records reflect that you were convicted of a violation of Penal Code sections 459 1st, 245(a)(2) with a great bodily injury enhancement, 244 and a 236. For these convictions I show that you were sentenced to seven (7) years state prison. Unfortunately none of the charges for which you were convicted in [Redacted] are subject to Proposition 47 and thus are not reducible.

If you have any additional questions feel free to contact me at (707) 784-6755.

Sincerely,

[Signature]

Jennifer Proctor
Deputy Alternate Defender
1. Defendant was convicted of the commission of the following felonies:
   - [ ] Additional counts are listed on attachment
   (number of pages attached)

<table>
<thead>
<tr>
<th>#</th>
<th>CODE</th>
<th>CRIME</th>
<th>YEAR</th>
<th>DATE OF COMMISSION</th>
<th>CONVICTION BY</th>
<th>SENTENCE</th>
<th>PRINCIPAL OR CONSIDERABLE TERM IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PC 459w</td>
<td>burglary/1st deg</td>
<td>2000</td>
<td>11/28/01</td>
<td></td>
<td>U</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>PC 245(a) (2)</td>
<td>ADW w/GBI</td>
<td>2000</td>
<td>11/28/01</td>
<td></td>
<td>M</td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>PC 422</td>
<td>terrorrist threat</td>
<td>2000</td>
<td>11/28/01</td>
<td></td>
<td>M</td>
<td>X</td>
</tr>
<tr>
<td>4</td>
<td>PC 326</td>
<td>false impris by/vil</td>
<td>2000</td>
<td>11/28/01</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

<table>
<thead>
<tr>
<th>#</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12022(a)</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>12022(a)</td>
<td>S pr 654</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

<table>
<thead>
<tr>
<th>#</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

4. [ ] Defendant was sentenced pursuant to PC 667(b)-(i) or PC 1170.12 (two-strikes).

5. INCOMPLETE SENTENCE(S) CONSECUTIVE

8. TOTAL TIME ON ATTACHED PAGES: ___

7. [ ] Additional Indeterminate term (see CR-292).

8. TOTAL TIME: ___
9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):
   a. RESTITUTION FINE of: $1400 per PC 1202.4(b) forthwith per PC 2086.5.
   b. RESTITUTION FINE of: $1400 per PC 1202.49 suspended unless parole is revoked.
   c. RESTITUTION of: $________ per PC 1202.4(f) to __________ victim(s)“__ Restitution Fund
      (List victim name(s) if known and amount breakdown in item 11, below.)
      (1) _____ Amount to be determined.
      (2) _____ Interest rate of: _____% (not to exceed 10% per PC 1204.4(f)(3)(F)).
   d. LAB FEE of: $________ for counts: __________ per H&S C 11372.5(e).
   e. DRUG PROGRAM FEE of $160 per H&S C 11372.7(a).
   f. FINE of: $________ per PC 1202.5.

10. TESTING
    a. AIDS pursuant to PC 1202.1 other (specify): 
    b. DNA pursuant to PC 290.2 other (specify): 

11. Other orders (specify):

    The court reserves jurisdiction over restitution.

12. Execution of sentence Imposed
    a. X at initial sentencing hearing.
    b. at resentencing per recall of commitment. (PC 1170(d).)
    c. after revocation of probation.
    d. at resentencing per recall of commitment. (PC 1170(d).)
    e. other (specify):

13. CREDIT FOR TIME SERVED

<table>
<thead>
<tr>
<th>CASE NUMBER</th>
<th>TOTAL CREDITS</th>
<th>ACTUAL</th>
<th>LOCAL CONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>171</td>
<td>115</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4019</td>
<td>4019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2933.1</td>
<td>2933.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4019</td>
<td>4019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2933.1</td>
<td>2933.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4019</td>
<td>4019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2933.1</td>
<td>2933.1</td>
</tr>
</tbody>
</table>

DATE SENTENCE PRONOUNCED: 1/15/02
SERVED TIME IN STATE INSTITUTION: DMH GDC CDC

14. The defendant is remanded to the custody of the sheriff X forthwith after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to X the reception center designated by the director of the California Department of Corrections.
other (specify):

CLERK OF THE COURT
I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY SIGNATURE: ___________________________ DATE: 1/25/02

ABSTRACT OF JUDGMENT—PRISON COMMITMENT—DETERMINATE
1. Defendant was convicted of the commission of the following felony:

<table>
<thead>
<tr>
<th>COUNT</th>
<th>CODE</th>
<th>SECTION NUMBER</th>
<th>CRIME</th>
<th>YEAR CRIME COMMITTED</th>
<th>DATE OF CONVICTION</th>
<th>TIME IMPOSED OR &quot;Y&quot; POSTED</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HS</td>
<td>11350(a)</td>
<td>POSS CONTROLLED SUBSTANCE</td>
<td>2007</td>
<td>07-18-07</td>
<td>X</td>
<td>M 2</td>
</tr>
</tbody>
</table>

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

<table>
<thead>
<tr>
<th>COUNT</th>
<th>TIME IMPOSED OR &quot;Y&quot; POSTED</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

| 667.5(b) PC | 1 | 1 |

5. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments): ☐ Court Security Fee of $_____ per PC 1465.8.
   Restitution Fine(s): $400 per PC 1202.4(b) forthwith per PC 2085.5. $400 per PC 1202.44 is now due, probation having been revoked.
   Restitution per PC 1202.4(b) $_____ ☐ Amount to be determined ☐ Victim(s) ☐ Restitution Fund
   ☐ Victim name(s), if known, and amount breakdown in item 8 below. ☐ Victim name(s) in probation officer's report.
   Fine(s): $_____ per PC 1202.5. $_____ per VC 23550 or ___ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
   ☐ Includes: $50 Lab Fee per HS 11372.5(a) ☐ $_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

6. TESTING: ☐ Compliance with PC 296 verified ☐ DNA per PC 296 ☐ AIDS per PC 1202.1 ☐ other (specify): ___

7. IMMEDIATE SENTENCE: ☐ Probation to prepare and submit a post-sentence report to CCDR per PC 1203c. Def's Race/Natl Origin B ___

8. Other orders (specify):

9. TOTAL TIME IMPOSED EXCLUDING COUNTY JAIL TERM: ___

10. ☐ This sentence is to run concurrent with (specify):

11. ☐ Execution of sentence imposed: a. ☐ at initial sentencing hearing. b. ☐ at resentencing per decision on appeal. c. ☐ after revocation of probation. d. ☐ at resentencing per recall of commitment. (PC 1170(c)). Other (specify): ___

12. DATE SENTENCING PROCEEDED CREDIT FOR TOTAL DAYS: TIME SPENT IN CUSTODY TIME IN institutional INCLUDING: LOCAL CREDIT FOR LOCAL CREDIT TOTAL LOCAL CREDIT INCLUDING: LOCAL CREDIT TOTAL LOCAL CREDIT INCLUDING: LOCAL CREDIT 05-01-08 159 107 4019 2353.1 1

13. The defendant is remanded to the custody of the sheriff: ☐ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays. To be delivered to ☐ the reception center designated by the director of the California Department of Corrections and Rehabilitation. ☐ Other (specify): ___

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE: LORI FRANKS

DATE: 05-01-08

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be typed. ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM
ABSTRACT OF JUDGMENT—PRISON COMMITMENT—DETERMINATE SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM

Not to be used for multiple count convictions or for 1/3 consecutive sentence.

[Boilerplate information]

1. Defendant was convicted of the commission of the following felony:

<table>
<thead>
<tr>
<th>CRN. CODE</th>
<th>SECTION NUMBER</th>
<th>OFFENSE DESCRIPTION</th>
<th>YEAR OF COMMISSION</th>
<th>DATE OF CONVICTION (NO./DAY/MONTH/YEAR)</th>
<th>CONVICTED BY</th>
<th>AMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>HS 11350(a) Poss. controlled substance</td>
<td>1999</td>
<td>09-23-99</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

<table>
<thead>
<tr>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

<table>
<thead>
<tr>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>ENHANCEMENT</th>
<th>YES</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

4. This defendant was sentenced pursuant to PC 667(b)-(f) or PC 1170.12 (two-strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):
   a. RESTITUTION FINE of $200 per PC 12024.4(f) forthwith per PC 20385.5.
   b. RESTITUTION FINE of $200 per PC 12024.45 suspended unless parole is revoked.
   c. RESTITUTION of $______ per PC 12024.4(f) to [victims(s)]
   d. LAB FEE of $_____ per counts:
   e. DRUG PROGRAM FEE of $150 per H&S C 11372.7(a).

6. TESTING: AIDS DNA pursuant to PC 1202.1 PC 290.2 other (specify):

7. Other orders (specify):
   [ ] Full term consecutive to present sentence.

8. TOTAL TIME IMPOSED: 20

9. This sentence is to run concurrent with (specify):

10. Execution of sentence imposed:
    a. at initial sentencing hearing.
    b. at resentencing per recall of commitment. (PC 1170(f).)
    c. other (specify):

11. DATE SENTENCE PRONOUNCED: 01-05-01
    CREDIT FOR TIME SPENT IN CUSTODY: 337 INCLUDING:

12. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.

CLERK OF THE COURT: [Signature]

DEPUTY CLERK: [Signature]

[Form Adopted by the Judicial Council of California CR-290.1 (Rev. January 1, 1998)]
SAN JOSE POLICE DEPT
GENERAL OFFENSE HARDCOPY
GO# SJ 2014-141750041 OPEN
11377A-1 11377(A) HS POSN CNTRLD SUBS

**General Offense Information**

Operational status: OPEN
Reported on: Jun-24-2014 (Tue.) 127
Committed between: Jun-23-2014 (Mon.) 2300 and Jun-24-2014 (Tue.) 127
Approved on: Jun-24-2014 (Tue.) by: 3544 - BIRCH JR LAWRENCE P
Report submitted by: 4274 - PORTER, ANA
Original: BFO Patrol Team 086

Address:
- Municipality: SAN JOSE
  - County: SANTA CLARA COUNTY
- District: DX
  - Beat: X5
  - Grid: 300

Felony/Misdemeanor: FELONY
Bias: NONE (no bias)
Family/Violence: NO

**Offenses (Completed/Attempted)**

Offense #1: 11377A-1 11377(A) HS POSN CNTRLD SUBS - COMPLETED
Location: PARK/OTHER/UNKNOWN
Offender suspected of using: NOT APPLICABLE
Criminal activity: POSSESSING/CONCEALING

Offense #1: 11364F-1 11364 HS DRUG PARAPHERNALIA - COMPLETED
Location: PARK/OTHER/UNKNOWN
Offender suspected of using: NOT APPLICABLE
Criminal activity: POSSESSING/CONCEALING

Offense #3: 273.6A-1 273.6 APC DV RESTRAIN ORD VIOL - COMPLETED
Location: PARK/OTHER/UNKNOWN
Offender suspected of using: NOT APPLICABLE

**Notice of Confidentiality**

No attorney may disclose or permit to be disclosed to a
defendant the address or telephone number of a victim or
witness unless specifically permitted by the Court after a
hearing and a showing of a good cause.
Violation of PC 1054.2 is a misdemeanor

D.A. COPY

For: PERILLO CHRISTOPHER G
Printed On: Jun-24-2014 (Tue.)
Page 1 of 24
Housing/Vivienda: M86

Request to see (Circle One):
Quiero ver a alguien en (Marque Uno):

Medical Services

Medical

Mental Health Services

Dental Services

PFN #

Booking #/Numero del Registro de Admision

Name/Nombre:

Last Name (Apellido Paterno)

First (Nombre de Pila)

Middle (Segundo Nombre)

Date of Birth/Fecha de Nacimiento: 9 Oct 66

Reason(s) for Request/Razon(es) de esta peticion: can you tell me the date and what kind of short I receive in April? Please.

How Long Have You Had This Problem(s)? ¿Por cuanto tiempo ha tenido usted esta problema(s)?

NOTE: GIVE THIS FORM ONLY TO A NURSE.
NOTICIA: SOLAMENTE DEBE ENTREGAR ESTE FORMULARIO A UNA ENFERMERA.

DATE NURSE RECEIVED WHITE CARD FROM PATIENT: 

NURSE'S INITIALS:

ASSESSMENT:

Date/Time: 11-29-15

P  □ The following medication(s) may help you and are available through the Commissary:/ La siguiente medicina(s) podría ayudarle y están desponibles en la Comisaría:

□ Physician will review your request / El doctor revisara su peticion

□ MD Appointment Scheduled / Cita para ver al doctor (week of / la semana de)

□ Psych MD Appointment Scheduled / Cita para ver al psicofatra (week of / la semana de)

□ Dental Appointment Scheduled / Cita para ver al dentista (week of / la semana de)

□ Mental Health will see you / Departamento de Salud Mental te van a ver

□ No Sleep Medications are given at the Adult Custody Facilities / El la Custodia de Adultos no dan medicina para dormir.

□ Other Plan of Action / Comments / Otro Plan de Accion

□ Patient Health Education Provided  Explain:

□ Medical Authorization Form completed  □ Medical Wristband completed

□ Standardized Procedure started; if yes, name(s) of Standardized Procedure(s) initiated:

DATE RESPONSE SENT TO PATIENT: 

RN SIGNATURE

DATE RESPONSE SENT TO PATIENT WITH MD INFORMATION: 

RN SIGNATURE

Distribution: White-Medical Record Pink-Inmate (Initial Receipt) Yellow-Response to Inmate Goldenrod-MD Response to Patient
FORM 5023 Rev 8/13/2007 SCYMC 6949-6
**General Offense Information**

Operational status: OPEN
Reported on: May-10-2014 (Sat.) 900
Occurred on: May-10-2014 (Sat.) 820
Approved on: May-16-2014 (Fri.) by: 2383 - CARABARIN SERGIO
Report submitted by: 3987 - VALVERDE JONATHAN
Org unit: BFO Patrol Team 080
Address: [Redacted]
Municipality: [Redacted]
District: DY Beat: Y3 Grid: 420
Felony/Misdemeanor: FELONY
Bias: NONE (no bias)
Family violence: NO

**Offenses (Completed/Attempted)**

Offense: #1 243E1-1 243(E)(1) PC BATTERY DOMESTIC - COMPLETED
Location: PARKING LOT/GARAGE
Offender suspected of using: NOT APPLICABLE
Weapon type: PERSONAL WEAPONS(HANDS/ FEET)

Offense: #2 273.6A-1 273.6 APC DV RESTRAIN ORD VIOL - COMPLETED
Location: PARKING LOT/GARAGE
Offender suspected of using: NOT APPLICABLE
Weapon type: NONE

Another Misdemeanor Complaint that they changed to a Felony
Case # [Redacted] originally Case # [Redacted]
§ 1009. Amendment of accusatory pleading before plea or... CA PENAL § 1009

West's Annotated California Codes
Penal Code (Refs & Annos)
Part 2. Of Criminal Procedure (Refs & Annos)
Title 6. Pleadings and Proceedings Before Trial (Refs & Annos)
Chapter 3. Demurrer and Amendment (Refs & Annos)

West's Ann. Cal. Penal Code § 1009

§ 1009. Amendment of accusatory pleading before plea or sustaining of demurrer; subsequent amendments; readmission or new information; pleading to amendment; amendments not persisted; verification

Currentness

An indictment, accusation or information may be amended by the district attorney, and an amended complaint may be filed by the prosecuting attorney, without leave of court at any time before the defendant pleads or demurs to the original pleading is sustained. The court in which an action is pending may order or permit an amendment of an indictment, accusation or information, or the filing of an amended complaint, for any defect or insufficiency, at any stage of the proceedings, or if the defect in an indictment or information be one that cannot be remedied by amendment, may order the case submitted to the same or another grand jury, or a new information to be filed. The defendant shall be required to plead to such amendment or amended pleading forthwith, or, at the time fixed for pleading, if the defendant has not yet pleaded and the trial or other proceeding shall continue as if the pleading had been originally filed as amended, unless the substantial rights of the defendant would be prejudiced thereby, in which event a reasonable postponement, not longer than the ends of justice require, may be granted. An indictment or accusation cannot be amended so as to charge offenses charged, nor an information so as to charge offenses not shown by the evidence taken at the preliminary examination. A complaint cannot be amended so as to charge an offense not attempted to be charged by the original complaint, except that separate counts may be added which might properly have been joined in the original complaint. The amended complaint must be verified but may be verified by some person other than the one who made oath to the original complaint.

Credits
(Enacted in 1872. Amended by Code Am. 1880, c. 47, p. 18, § 49; Stats. 1915, c. 657, p. 1813, § 2; Stats. 1951, c. 1674, p. 3842, § 77; Stats. 1998, c. 931 (S.B. 2136), § 383, eff. Sept. 28, 1998.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

1998 Amendment


Notes of Decisions (297)

West's Ann. Cal. Penal Code § 1009, CA PENAL § 1009
1. CONDITIONS. This contract will not take effect, and Attorney will have no obligation to provide legal services, until Client returns a signed copy of this Contract and pays the fixed fee called for in this agreement.

2. SCOPE AND DUTIES. Client hires Attorney to provide legal services reasonably required to represent Client for all matters in connection with Santa Clara County cases [redacted]. Attorney shall provide those legal services in the Superior Court including, research, pre-trial motions, and conducting preliminary examination. Attorney shall take all reasonable steps to keep Client informed of progress and to respond to Client's inquiries, Client shall be truthful with Attorney, cooperate with Attorney, keep Attorney informed of developments, abide by this Contract, pay Attorney bills on time and keep Attorney advised of Client's address, telephone number and whereabouts. Attorney services under this contract conclude upon completion of the preliminary hearing and do not include trial. In misdemeanor cases, if client wishes to set a misdemeanor case for trial, the trial fee will be an extra fee to be negotiated between attorney and client. The initial retainer fee described in this contract does not include trial fees for the above cases.

3. FIXED FEE. Client agrees to pay a fixed fee of $2,500.00 for Attorney's services under this Contract. The complete fixed fee shall be paid at the time of the signing of this contract. Except as provided elsewhere in this agreement, the fixed fee will be earned in full and no portion of it will be refunded once any professional services have been performed.

Our attorney fees in this matter are not charged on an hourly basis and client will not be billed on the basis of hours spent on the case no matter how many or how few hours are spent. Client is paying a flat fee for professional services rendered in accordance with the terms of this retainer agreement.

4. COSTS AND EXPENSES. In addition to the fee for professional services, Client will pay for all costs and expenses incurred by Attorney, including:

a. Miscellaneous Expenses - Fees fixed by law, assessed by public agencies, or regularly established by Attorney, including, but not limited to, long distance telephone calls, Fax costs, computer research costs, messenger and other delivery fees, postage, in-office photocopying, other reproduction costs, travel costs, parking, mileage, clerical staff overtime, word processing charges, charges for computer time and other similar items investigation expenses, consultant's fees and other similar items.
b. Out of Town Travel - Client agree to pay attorney’s transportation, meals, lodging and all other costs of any necessary out-of-town travel.

c. Consultants and Investigators - To aid in the preparation or presentation of client’s case, it may become necessary to hire consultants or investigators. Attorney will not hire such persons unless client pays the fees and charges in advance. Attorney will select any consultants or investigators to be hired.

5. **STATEMENTS.** Attorney shall send Client periodic statements for fees and costs incurred. Client shall pay Attorney’s statements within ten (10) days after each statement’s date. Client may request a statement at intervals of no less than thirty (30) days. Further it is agreed that, should payments not be made upon billing or when agreed upon, Attorney reserves the right to withdraw from the case as the attorney of record without refunding any fees previously paid. Those paid fees will be payment for services already rendered, and Client will consent to such withdrawal at Attorney's request. Attorney maintains errors and omissions insurance coverage applicable to the services to be rendered.

6. **DISCHARGE AND WITHDRAWAL.** Client may discharge Attorney at any time. Attorney may withdraw upon Client’s breach of this Contract. Cause includes client’s refusal to cooperate with Attorney or to follow Attorney's advice on a material matter or any other fact or circumstance that would render Attorney's continuing representation unlawful or unethical. If Attorney withdraws without cause before completing Attorney's duties under this Contract, then, and only then may Client be entitled to a refund of some or all of the fixed fee, depending on the facts and circumstances.

7. **CONCLUSION OF SERVICES.** Notwithstanding any other provision in this agreement, when Attorney's services conclude, all unpaid monies shall immediately become due and payable. After Attorney's services conclude, Attorney will, upon Client's request, deliver Client's file to Client, along with any client funds or property in Attorney's possession.

Client hereby authorizes Attorney to destroy client's file not sooner than two (2) years from the date of conclusion of services. Attorney may destroy all material contained in file Attorney's file including but not limited to original documents, tape recordings, photographs, investigative reports, correspondence, computer data and/or compilations whether purchased by Attorney, provided by Client or generated by Attorney. **Client hereby relieves Attorney of any liability arising from the destruction of client’s file.**

8. **DISCLAIMER OF GUARANTEE.** Nothing in this Contract and nothing in Attorney's statements to Client will be construed as a promise or guarantee about the outcome of Client's matter. **Attorney makes no such promises or guarantees. Attorney's comments about the outcome of Client's matter are expressions of opinion only.**

9. **EFFECTIVE DATE.** This contract will take effect when Client has performed the conditions stated in paragraph 1, but its effective date will be retroactive to the date Attorney first provided service. Even if this Contract does not take effect, Client will be obligated to pay Attorney the reasonable value of any services Attorney may have performed for Client.

Date: November 17, 2014

"Attorney"

LAW OFFICES OF JASON LIANIDES

By: [Signature]
I have read and understood the foregoing terms and agree to them, as of the date Law Offices of JASON LIANIDES first provided legal services. Additionally, I understand that the fixed fee has been paid by Martha Davenport.

Date: 17 Nov 14

(Client's name - printed)

Address: ____________________________

____________________________________

Telephone: __________________________

(Signature of client)
Tests and Procedures

Cortisone shots

By Mayo Clinic Staff

Cortisone shots are injections that may help relieve pain and inflammation in a specific area of your body. Cortisone shots are most commonly given into joints — such as your ankle, elbow, hip, knee, shoulder, spine and wrist. Even the small joints in your hands and feet may benefit from cortisone shots.

Cortisone shots usually include a corticosteroid medication and a local anesthetic. In many cases, cortisone shots can be administered in your doctor’s office. However, the number of cortisone shots you can receive in one year generally is limited because of potential side effects from the medication.

Cortisone shots may be part of treatment for a number of diseases and conditions, including:

- Baker's cyst
- Bursitis
- Carpal tunnel syndrome
- Chondromalacia patella
- De Quervain's tenosynovitis
- Frozen shoulder
- Gout
- Juvenile rheumatoid arthritis
- Lupus
- Morton's neuroma
- Myofascial pain syndrome
- Osteoarthritis
- Plantar fasciitis
- Psoriatic arthritis
- Reactive arthritis
- Rheumatoid arthritis
- Rotator cuff injury
- Sarcoidosis
- Tendinitis
- Tennis elbow

Cortisone shots carry a risk of complications, such as:

- Death of nearby bone (osteonecrosis)
- Joint infection
- Nerve damage
- Thinning of skin and soft tissue around the injection site
- Temporary flare of pain and inflammation in the joint
- Tendon weakening or rupture
- Thinning of nearby bone (osteoporosis)
- Whitening or lightening of the skin around the injection site

**Limits on the number of cortisone shots**

There's some concern that repeated use of cortisone shots may cause deterioration of the cartilage within a joint. For this reason, doctors typically limit the number of cortisone shots into a joint. In general, cortisone injections should not be given more often than every six weeks and usually not more than three or four times a year.

If you take blood thinners, you may need to stop taking these medications for several days before your cortisone shot, to reduce your risk of bleeding or bruising. Some dietary supplements also have a blood-thinning effect. Your family doctor can help coordinate what medications and supplements you should avoid before your cortisone shot.

Your doctor may ask you to remove your clothing and change into a gown. You'll then be positioned in a way that allows your doctor to most easily insert the needle.

The area around the injection site is cleaned. Your doctor may also apply an anesthetic spray to numb the area where the needle will be inserted. In some cases, your doctor may use ultrasound or a type of X-ray called fluoroscopy to watch the needle's progress inside your body — so it will be placed in exactly the right spot.
You'll likely feel some pressure when the needle is inserted. Let your doctor know if you're uncomfortable.

The medication is then released into the injection site. Typically, cortisone shots include a corticosteroid medication to relieve pain and inflammation over time and an anesthetic to provide immediate pain relief.

**After the cortisone shot**

Some people experience redness and a feeling of warmth of the chest and face after receiving a cortisone shot. If you have diabetes, a cortisone shot might temporarily increase your blood sugar levels.

After your cortisone shot, your doctor may ask that you:

- Protect the injection area for a day or two. For instance, if you received a cortisone shot in your shoulder, avoid heavy lifting. If you received a cortisone shot in your knee, stay off your feet when you can.
- Apply ice to the injection site as needed to relieve pain.
- Watch for signs of infection, including increasing pain, redness and swelling that last more than 48 hours.

Results of cortisone shots typically depend on the reason for the treatment. Cortisone shots commonly cause a temporary flare in pain and inflammation for up to 48 hours after the injection. After that, you should experience decreased pain and inflammation at the injection site.

**References**


Aug. 13, 2013

Original article: http://www.mayoclinic.org/tests-procedures/cortisone-shots/basics/definition/prc-20014455

Any use of this site constitutes your agreement to the Terms and Conditions and Privacy Policy linked below.

Terms and Conditions
Privacy Policy
Notice of Privacy Practices

Mayo Clinic is a not-for-profit organization and proceeds from Web advertising help support our mission. Mayo Clinic does not endorse any of the third party products and services advertised.

Advertising and sponsorship policy
Advertising and sponsorship opportunities

A single copy of these materials may be reprinted for noncommercial personal use only. "Mayo," "Mayo Clinic," "MayoClinic.org," "Mayo Clinic Healthy Living," and the triple-shield Mayo Clinic logo are trademarks of Mayo Foundation for Medical Education and Research.

© 1998-2015 Mayo Foundation for Medical Education and Research. All rights reserved.
Blue Ribbon Commission
LaDoris Cordell
Board of Supervisors
70 W. Hedding Street
San Jose, CA 95110
Confidential

Attn: Honorable Judge Stephen Manley
October 30th, 2015

Honorable Judge Stephen Manley (Blue Ribbon Commission)
C/O Clerk of the Board of Supervisors
70 West Hedding Street, 10th Floor, East Wing
San Jose, CA 95110

Dear Judge Manley:

I am writing to express my highest regard and gratitude for the work that you have done to help restore the lives of America’s brave and self-sacrificing Veterans. As you will see, after reading the enclosed letters, I am prayerful that my son, Santa Clara County Jail inmate [redacted], will be extended the opportunity to have his specialized needs addressed through Veteran Treatment Court programs.

[redacted] is an honorably discharged Veteran who did not receive the necessary assistance required to help him to re-engage as a civilian. When his military service ended, his battle became his struggle to work through the debilitating effects of PTSD and a traumatic brain injury.

Details of my son’s story are enclosed. His story should not end with his incarceration. He has yet to completely fulfill his life’s purpose. His vision of working in a capacity to help wounded warriors is an attainable goal that is driven by his desire to serve others.

[redacted] desperately wants to work towards becoming mentally whole again. However, he has been incarcerated for nearly a year, without receiving the mental health care that he needs. As a mentally ill inmate, he has been targeted by guards, which further contributes to his being in a constant state of heightened anxiety and distress.

I am reaching out to you to ask that you consider helping him by giving him access to the services and programs that will allow him to heal and rebuild his life.

I thank you for tirelessly advocating on behalf of the addicted and mentally ill. I have absolutely no doubt that with your help my son will be a bright and shining example of the blessed power of restorative justice.
Respectfully,
Confidential

October 22, 2015

Office of Honorable James Webb
P.O. Box 8795
Falls Church, VA 22041

Dear Senator Webb;

I am reaching out to you in hopes that the success that you have had in turning around the lives of individuals who would have fallen through the cracks of the criminal justice system may be extended to my son, [redacted], a U.S. Army veteran who is currently incarcerated at Santa Clara County Jail (San Jose, CA), awaiting a pre-trial hearing. He is accused of using a firearm to wound two men who threatened him.

I know without question that he would not harm innocent people. He was trained by the military to identify and respond to danger. He was also trained to protect the innocent. He received many medals, ribbons, badges, and awards during his service and he was honorably discharged.

Although you do not know my son, you have had a positive influence on him and so many others in our family of friends and neighbors here in our Burke, VA. community. You produced the evidence of your belief in [redacted]'s friend, [redacted] by offering him an internship (July 2010- January 2011) after he was convicted of committing felony-level crimes (Charges: use firearm in felony 1st off. /enter house armed, larceny).

The Fairfax County General District Court elected to use alternative sentencing that allowed [redacted] to continue his college education while being monitored. He pursued his undergraduate degree at SUNY Buffalo while receiving mental health and substance abuse treatment. My brother-in-law became one of his mentors. He helped [redacted] get involved in several community service projects. Helping others bolstered [redacted]'s confidence.

Like those of us who watched [redacted] work so diligently to improve his life and the lives of others, you recognized his desire to reach his full potential. Your trust in [redacted] helped him to identify his passion, and he has since become a practicing New York State attorney, currently working for the Legal Aid Society. The photo that you took together is attached.

[redacted] is not the first success story in our close circle. [redacted]'s regrettable actions resulted in felony charges (petit larceny/brandishing). Again, The Commonwealth (Prince William County Circuit Court) opted for alternative sentencing and one of the requirements was that [redacted] attend college. He was returned to “our village” and he excelled as we continued to encourage him and his
family. He graduated from Hampton University, went on to Howard University Medical School and is now a physician completing his residency at Barnes-Jewish Hospital in St. Louis.

When my daughter’s friend, [redacted], was convicted of conspiracy to distribute cocaine, the Eastern District of Virginia- Alexandria Court chose restoration. She served six months in prison. After her release she was monitored while attending community college. She worked hard and took full advantage of the opportunity that she was given to rebuild her life. [redacted]’s mother and I were two of many of [redacted]’s many proud supporters as she walked across the stage to receive her law degree from North Carolina Central University.

The vast majority of the kids we raised did not challenge us to rescue them. For those who did, although they’d reached adulthood, we did not abandon them. My husband and I have been “village elders”, ceaselessly praying for the children of our friends. Now they are supporting my family and are just as committed to helping my son draw on the love and work that went into raising him so that he too will be able to fulfill his life’s purpose.

From a young age [redacted] wanted to be in the Army. He was in ROTC in high school and wanted to enlist in the Army right after graduation, but was too young (age 17). He attended Embry Riddle Aeronautical University but his heart was not in it and he went full speed ahead with his initial career plan and enlisted (September 2008). All the while I discouraged him from doing so because I knew what the Army did not—that his level of maturity did not align with his chronological age. I pled with the Army recruiter not to enlist him. I intercepted recruitment calls. At one point I actually chased the recruiter off the block when I recognized his vehicle in front of our home. I knew that [redacted] simply wasn’t ready.

Although I felt defeated and was always concerned, I accepted [redacted]’s decision and honored and respected him as I do all members of the armed forces. My husband and I were there to support him at each stage of progress—attending boot camp graduation, and writing and encouraging him to be the best. I even reached out to Gen. Colin Powell and adopted his advice to find ways to show my support.

[redacted] was also very young when he was selected for Special Forces training. Again I “took on the world” pleading that others realize that the mental endurance required would exceed his level of maturity.

With determination and passion, he became an outstanding soldier with great leadership qualities, but the traumatic experiences he endured as he excelled did in fact break him mentally. While serving he was diagnosed with PTSD and other mental health conditions that he did not have prior to enlisting. He also suffered a traumatic brain injury after succumbing to carbon monoxide poisoning. We stayed with him in Fort Campbell, KY during his recovery. Shortly after being released from the hospital he chose not to re-enlist, although his commanding officer asked us to try to convince him to reconsider. He was sent home without treatment for the PTSD symptoms (one being hypervigilance).

He wasn’t home long before he told us that he was going to San José to become his Army buddy’s caregiver. While [redacted] was in training at Fort Bragg, his friend, [redacted], was wounded in Afghanistan. We helped take care of [redacted] while he was hospitalized at Walter Reed National Military Medical Center. We witnessed the heart-break when he learned that he would have to learn to live as a quadriplegic. He was sent back to his home in San José for occupational therapy. My son
was devastated as well, and vowed to take care of [redacted]. As promised, he moved in with [redacted] and became his primary caregiver. [redacted] attended a local college, working his schedule around Ignacio’s daily medical needs. He taught [redacted] to drive and how to navigate his wheelchair to achieve more independence. Together they made some progress, but they were both wounded. While struggling to transition to civilian life they abused the medical marijuana that they were prescribed.

I felt that [redacted]’s role as caregiver was taking a toll on him. I tried to understand his fierce loyalty. I gained a better grasp on his need to continue to take care of [redacted] after speaking with [redacted], the step-mother of wounded warrior Sergeant [redacted]. I am a research editor working for AARP’s media group and initially contacted [redacted] to obtain information for a feature story about [redacted] (enclosed). She provided insight about the extremely close bond between wounded warriors. With this in mind I did not recognize that there was an urgent need for an intervention as early as then. Unfortunately, now I must live with the fact that some of the symptomatic signs that I missed have crystallized in hindsight.

Becoming a strong and proud military mom was not nearly enough. [redacted] needed medical attention, mental health and drug treatment. He needed me, the veteran community, and others who were in close proximity to be able to read the signs of mental illness [redacted] still has the same needs.

[redacted] is mentally ill. I am not. If incarceration is the only form of satisfaction that the Santa Clara County criminal justice system seeks, I will request of those who have the authority to do so, to incarcerate me instead. I let him down. PTSD is deceptive but I should have studied his condition and initiated an intervention. I saw the symptoms on the surface but neglected to do a deeper dive. I take full responsibility for not having been as vigilant as I should have been. Meanwhile, [redacted] has been in jail for nearly a year and his needs are still unmet.

I hope that my outreach to you will in some way help [redacted] to receive the medical and psychological treatment that he deserves as a veteran. He brought his training home and wasn’t taught how to leave behind heightened survival techniques.

He fought to calm the chaos in the life of a fellow veteran. I am positive that he has the determination to reclaim himself and contribute to society in a way that God has destined him to do.

It is my prayer that others will see his redeeming qualities, along with the special circumstances surrounding this case, and find a productive way to allow him to work towards wellness.

I have asked for the case to be moved to Veterans Treatment Court. If that mercy is granted, my husband and I will relocate to San José to strengthen his local support system. We look forward to the time that he returns home to rejoin his lifelong village of outstanding professionals (including a large veteran population) who will continue to be positive influencers. We are ready to do the work so that he will be included on our list of success stories.

Senator Webb, you’ve stood by your conviction and fought for reforms to change the way that America treats inmates. You’ve led by example. I’ve watched you improve the lives of those who society would have rejected. Will you join me in my request for the Santa Clara County District Attorney to move Andrew’s case to Veterans Treatment Court? If you are unable to do so will you please assist me with further identifying and engaging military personnel willing to advocate for
[Redacted]’s case to be moved? Like you I did not leave the children in my community behind. I am asking that the military not leave behind one of their own.

Because I fear for [Redacted]’s safety, I must request that all names in that I have included in these documents not be shared publically.

Thank you for your service and thank you for tackling the seemingly insurmountable issues associated with criminal justice reform.

Best Regards,

[Signature]

Angela Johnson

CC:
Attorney for defendant, Cameron Bowman
Santa Clara Superior Court Judge Stephen Manley
District Attorney Santa Clara County, Jeffrey Rosen
Santa Clara County Deputy District Attorney, Judy Lee
Judge LaDoris Cordell, Chair, Blue Ribbon Commission
with his father. Just coming out of coma, after carbon monoxide poisoning accident.

[redacted]'s law school graduation
and ready for the 8th grade homecoming dance

Matched at Washington University St. Louis Barnes Jewish Hospital. Thanks friends and family for the love and support. Cardiology is the next mission.

medical school graduation
Associate Counsel of Contracts
Wilmington, North Carolina | Legal Services

Current: PPD
Previous: PPD, Synergy Legal Staffing, Byars & Davis Law Firm, PLLC
Education: North Carolina Central University School of Law

Connect Send InMail

500+ connections

https://www.linkedin.com/in/[masked]

Background

Experience

Associate Counsel, Contracts
PPD
September 2014 – Present (1 year 2 months) | PPD

Contract Specialist
PPD
December 2012 – September 2014 (1 year 10 months) | Wilmington, North Carolina

E-Discovery Document Review Attorney
Synergy Legal Staffing
November 2009 – December 2012 (3 years 2 months) | Morrisville, NC

Conducted electronic document review in response to pretrial discovery requests related to various types of complex litigation for Fortune 500 clients.

Partner

https://www.linkedin.com/in/[masked]
Experience

**Staff Attorney**
Legal Aid Society  
September 2015 – Present (2 months)

**Hearing Representative**
City University of New York  
June 2015 – August 2015 (3 months) | Greater New York City Area

**Law Clerk**
Romano & Associates  
January 2015 – March 2015 (3 months) | Greater New York City Area

**Volunteer Law Graduate**
C.I.A.N.A  
September 2014 – March 2015 (7 months)

https://www.linkedin.com/pub/2a/22b/16
Features
JUNE/JULY 2014

50 | Saving Sergeant Remsburg
When a roadside bomb detonated next to Cory Remsburg in Afghanistan in 2009, he was so grievously injured that his Ranger platoon mates wondered if he’d make it. But Remsburg held on, and now, nearly five years later thanks to an army of caregivers—his dad and stepmom leading the charge—he is slowly getting his life back. A caregiving love story. By MEG GRANT

30 | Mirren at Rest
Well, not exactly. But the queen of stage and screen does take time from a well-deserved vacation at her Italian villa to chat it up about romance, gardening, work—and solitude. “I’m perfectly happy being alone.” By DAVID HOGMAN

34 | Modern Family
Young adults move home, grandparent move in, couples marry late. Interracial and same-sex couples raise kids. Boomers are at the heart of it all. Meet a few clans who embody the new definition of family. Interviews by BRENNEN JENSEN

42 | Survival Guide
What do you do if your car plunges into a body of water? Or you’re confronted by a bear? Or your captain announces the plane will make a water landing? For crucial advice on how to respond to these and other threats, read on. By MIKE ZIMMERMAN
The morning light rose in a muted haze, and the soldiers began pulling off their night vision goggles. Weapons squad leader Cory Remsburg, 26 and on his 10th deployment, headed to a clearing to help prepare the evacuation-helicopter landing zone for his 53 fellow Rangers, just back from an overnight operation. Then, in one life-shattering moment, team leader Sergeant Robert Daniel Sanchez, walking just ahead of Remsburg, stepped on a roadside bomb, setting off a massive explosion that hurled both Sanchez and Remsburg skyward.

"There was shrapnel everywhere, and the smoke and dust made it really hard to see," recalls Staff Sergeant Bryan Rippee, mission medic. Yet within minutes, he'd found his way to a nearby canal. There, covered in mud-caked debris, Sanchez lay dead. Next to him was Remsburg—Rippee's buddy and roommate back in the States—facedown in the murky water, his heart stopped and his lungs collapsed. A large piece of shrapnel had left a golf-ball-size hole in his head, above his right temple. His back, right eye and chest were peppered with smaller wounds. Rippee worked furiously to keep Remsburg breathing while waiting for medical transport to arrive. "I tried my best to suction the breathing tube [that had been inserted]," he explains. "I covered his chest injuries with dressings, then put him under an emergency blanket and cut off his wet clothes so he wouldn't get hypothermia."

When he loaded Remsburg into the helicopter bound for a Kandahar hospital, Rippee was sure he'd never see his friend again. "He was in really, really bad shape," he says.

Cory Remsburg was injured far worse than anyone on the ground that day could have imagined. Yet Rippee, who eventually left the military and is currently studying at Brown University, did see him again. And so did much of the world in January of this year, when President Barack Obama introduced Remsburg during the State of the Union address. To a loud and sustained standing ovation by House and Senate members, the now 33-year-old soldier rose from his seat—with the assistance of his father, Craig Remsburg, who flanked him on one side, Michelle Obama on the other—and raised his right hand in a thumbs-up.

Obama, who first met Cory at D-Day anniversary ceremonies in Normandy in 2009, just four months before he was nearly killed by the bomb, offered the Ranger a sharp salute. The president then expressed gratitude to the dozens of caregivers who have assisted Cory in his recovery.
To: [Embedded Email Address]
Subject: [Embedded Email Address] AARP

You're welcome.

We certainly do have a lot in common. We've been blessed and because of our experiences we will be a blessing to others. I've attached photos of my son Drew. Seeing them periodically, gives me so much strength and gratitude. And I definitely am so much proud of Drew's courage and determination to fight to get back to the "sources of love" that surrounded him in the hospital.

As you would know, he deals with setbacks and emotional ups and downs but his will to live was testament that he'll be just fine.

After our conversation, I was driving home and saw that a local gas station owner placed an enormous Fisher House sign in front of his business. I went in and got his card. [Embedded Email Address] will be moving back home next week and will reach out to the owner to find out if there are opportunities for him to help at Fisher House. [Embedded Email Address] has been his battle buddy [Embedded Email Address]’s ([Embedded Email Address]) caregiver for over a year. Helping him to become independent became [Embedded Email Address]’s purpose. With that mission accomplished both he and [Embedded Email Address] are fearlessly looking forward to creating great futures for themselves.

[Embedded Email Address] has the same drive and level of support so there is no doubt whatsoever that he will accomplish his each of his goals also. Although we haven't met, I am very proud of him.

All the Very Best to You and Yours,

------Original Message------
From: [Embedded Email Address] [Embedded Email Address] [Embedded Email Address] [Embedded Email Address] [Embedded Email Address] [Embedded Email Address] [Embedded Email Address]
Sent: Thursday, May 22, 2014 9:34 AM
To: [Embedded Email Address]
Subject: RE: AARP The Magazine Article

[Embedded Email Address]
Thank you for making the changes. It was a pleasure talking with you as well. We have many things in common.

[Embedded Email Address] [Embedded Email Address]
Good Afternoon,

Hope that you and the family are doing well and that you are enjoying being back to work.

It was a pleasure speaking with you. Following our conversation, editors did make rush edits to the copy regarding the text about following in [redacted]'s footsteps.

Our team worked diligently to ensure that each detail of the article was correct. Unfortunately, we're not able to get the corrected copy to press in time for the first edition printing. However, the changes have been made and will appear in the second and third editions. Happy to send you copies of those editions if you'd like. I am also following up with our Membership department, as we discussed.

Thank you again for your time and attention.

All the Very Best,
Kristina: How do you lead people who are older and more experienced than you? Especially when they may not respect you simply due to your age.

Anthony: To me, you embody the essence of self-reliance and I believe beyond America many in the world needs that. Do you have a way of connecting these moral needs?

Now Responding to Jane: General Powell, you talked about the perception of the US in the global world. I'm connecting from Scotland, UK - what are your thoughts on how as a small nation we can make our mark as an economy in what is an increasingly competitive global market place?

Now Responding to [Redacted]: My college bound son followed his heart and enlisted in the Army. I cried for days. Do you have any words of encouragement for mothers or loved ones of those serving in the military?

Now Responding to [Redacted]: You are a unique public figure. You transcend political parties, race, age, and gender. What is the essence of this uniqueness and how can we get more public figures to embrace these characteristics?
(left). On base in Germany

Afghanistan- The vehicle that [redacted] was driving.
October 30th, 2015

Office of the District Attorney of Santa Clara County
70 W. Hedding Street, West Wing
San Jose CA 95110

Dear Mr. District Attorney:

My son, [redacted] (inmate-[redacted] (CEN [redacted])), is a mentally ill veteran who still possesses the will, strength and determination to be made whole. To accomplish this he needs proper mental and medical health care. Fairly granting him the opportunity to participate in a Veterans-guided re-entry program will not only enable him to restore his life but it will also be a step in fixing the fractures within the criminal justice system. I’ve read that you have been appointed to the Blue Ribbon Commission. In light of the exposure of the cruelty that many inmates, including my son, have experienced, I am hopeful that there will be insightful takeaways from the details included with this letter that may be useful in helping to frame perspectives around the most critical issues that need addressing in order to bring about positive change. Because of my continued concern for [redacted]’s safety (See attached letter to Judge LaDoris Cordell), I must request that our names not be shared publicly.

I am asking that the military community be given the opportunity to complete the cycle of [redacted]’s service to our country. They are best qualified to help him transition to civilian life, as they were able to identify and leverage his many positive traits, characteristics and leadership skills when they recruited him and advanced his training. They are most qualified to provide him with the tools and techniques to put at bay the combat survival component of his training. They are best qualified to guide him towards achieving wholeness without the need to self-medicate. Veterans Treatment Court has the necessary authority and resources to assist him. Conversely, additional time in jail will only result in his mental decline.

I am requesting that you extend to him the opportunity to become a success story. I can assure you that once he receives proper physical and psychological health care, and he is involved in programs and services designed to help him to focus his attention and energy on healing, he will be able to continue pursuing his goal of working in a social service-oriented career. He will also continue to be a well-respected and beloved friend and family man who makes positive and impactful contributions to society. He has demonstrated that he is more than capable of doing so in many ways including:
• Being a loving and involved father
• Being a loyal, self-sacrificing primary caregiver and friend to another fellow veteran (While in the service, his friend was not only wounded physically when he became a quadriplegic, he had prior emotional damage having lost his mother, on his birthday, in a car accident)
• Continuing to pursue his education
• Helping citizens who are in need (Last year he rescued a man who was trapped in a burning vehicle)
• He's mentored African American young men at a District of Columbia charter school

[redacted] has established career goals and he has a strong community of loved ones who have proactively begun the initial phases of helping him to rebuild. My husband and I are willing to relocate to San José to support him through treatment. Following successful completion of the required programs he can return to a solid foundation within an outstanding community. He belongs to us now and always. I am asking you to allow us all to prove how a village of veterans, medical professionals, a community of loved ones and a determined young man can create the good for society, something that he can’t even imagine doing as a stow away at Santa Clara County Jail.

I believe in [redacted]’s return to health and wholeness and I also know that he will enrich the lives of others not because he is my son, but because I have not turned away from the responsibility of helping other adult children in our community defy overwhelming odds, that favored failure, go on to step into their pre-ordained, purpose-filled lives. It was [redacted] who did not give up on his friends when they were in crisis. He was most grateful for the support and encouragement that we gave them (Please see examples in my letter to Senator Webb).

Mr. Rosen it is my prayer that you too will see that both the nature and nurture aspects that truly define [redacted] as a fine young man are stronger than the external experiences which have led to this request for a life-restoring intervention.

Thank you for your time, attention and consideration.

Respectfully,

[redacted]

CC:

Attorney for defendant Cameron Bowman
Attorney Judy Lee, Santa Clara County Deputy District Attorney
Judge Stephen Manley, Santa Clara County Veterans Treatment Court/Blue Ribbon Commission
Judge LaDoris Cordell, Chair Blue Ribbon Commission.
October 30th, 2015

Honorable Judge LaDoris Cordell (Chair, Blue Ribbon Commission)  
C/O Clerk of the Board of Supervisors  
70 West Hedding Street, 10th Floor, East Wing  
San Jose, CA 95110

Dear Judge Cordell:

I began writing the enclosed letters weeks ago. As I completed each one I held on to it because I am absolutely petrified that my son will be brutally or even fatally retaliated against by guards or inmates as a result of my action.

When I read that the Blue Ribbon Commission had been established the news gave me a bit of hope. I see the creation of the Commission as an indication that my son’s life, and the lives of other inmates, just may not be considered worthless by leaders and policy makers within the Santa Clara County criminal justice system.

I am aware that the work of the Blue Ribbon Commission is scheduled to conclude in approximately 120 days. After that time, and after the media scrutiny has abated, my decision to advocate on my son’s behalf may result in his being a target outside the scope of help or protection. I’ve made the decision to follow through with this contact because at least for 120 days there will be a possibility that he will be able to exhale for some small periods of time rather not at all, which has been the case for nearly one year.

Judge Cordell, I am passing the letters along to you, and the limited list of recipients cc’d, in hopes that there may be something extracted from my son’s experience that will be helpful in identifying and addressing, with urgency, the disturbing practices within the system.

I am a transplanted New Yorker, having come from an area where police brutality was commonplace, with high profile cases often receiving historic news coverage (i.e. Abner Louima case, 1997 and Amadou Diallo, 1999), I am still terrified of law enforcement agents.
Although I commend Sherriff Smith for her courage to condemn the terrible acts that have recently been exposed, I know that it takes years to affect change in a system that’s been corrupted by hatred. For that reason I believe that it’s best that I not send her letter directly to her office. For that reason also, I must also request that all names included in the information I’ve included not be shared publically.

Thank you for taking on the role of Chair of the Commission. I am grateful for this listening forum.

Respectfully,

CC:
Attorney for defendant, Cameron Bowman
Santa Clara Superior Court Judge Stephen Manley
District Attorney Santa Clara County, Jeffrey Rosen
Santa Clara County Deputy District Attorney, Judy Lee
Senator James Webb, Former U.S. Senator of Virginia
Sherriff Laurie Smith, Santa Clara County Sherriff
October 22, 2015

Sheriff Laurie Smith  
Santa Clara County Sheriff  
55 West Younger Avenue  
San Jose, CA 95110

Dear Sheriff Smith;

I am contacting you and others cc'd below with an urgent plea, based on the hope that reaching out to the right people who are committed to doing the right thing will enable justice to prevail.

I am the mother of Santa Clara County Jail inmate, [REDACTED] (CEN [REDACTED]). Though I understand the magnitude of my request, it is imperative that I implore you to make sure that the guards at Santa Clara County Jail do not cause further harm to my son. Please do not allow the warehousing of my son to result in his death.

[REDACTED] is a mentally ill inmate, suffering from PTSD, which was diagnosed during his service in the U.S. Army. PTSD, along with other mental health conditions, is well documented in his military medical records.

Following his arrest he was held in solitary confinement (aka "The Hole") for 45 days. He has been in custody for nearly 12 months and had not been seen by a mental health professional until Oct 5, when a mental health assessment was conducted in preparation for his upcoming preliminary hearing. He is still not receiving the physical or psychological care that he needs. The attached news article makes it clear that it is in his best interest that I do not provide details of more disturbing, brutal treatment that he has survived.

I have no doubt those experiences have caused [REDACTED] additional trauma. He has uncharacteristically elected to halt attempts to make an internal complaint and has declined his legal right to file a civil complaint. He has always exhibited an innate penchant for protecting himself and others from actual or potential harm and his intensive military training eradicated any reluctance to take action. His decision to remain silent is just one high alert indication that he continues to be in harm’s way. I am prayerful that this notification does not result in retaliation against him.

Sheriff Smith, I am reaching out to you because he is in a state of complete helplessness when it comes to his safety, and also because it is absolutely crucial that he receive proper medical treatment for the conditions of mental illness that he's had prior to being incarcerated and for the further damage inflicted while in custody. He wholeheartedly served his country, abiding by the oath to protect and serve. While doing so he was injured but the symptoms of those mental injuries can be managed or completely reversed with the proper mental health treatment.
Thank you for the actions that you have already taken to improve inmate safety and security processes and procedures thus-far. We are encouraged by the actions you continue to take on behalf of the inmates. Hopefully, your example will be the benchmark for eradicating indifference, and will eventually raise the standard of leadership and the moral code of conduct within the criminal justice system.

I am writing this letter to:

- State on record, that should my son die in custody I can, without question, attest to the fact that he would NEVER attempt to harm himself or take his own life.
- Make an appeal, on record, for him to receive the medical and mental health treatment that he deserves. My son was honorably discharged, and has spent his time in San José as a caregiver for his Army friend who became disabled while on tour in Afghanistan. I am making an appeal that military personnel assist my son with being made whole again, as he was prior to enlisting.

Sheriff Smith, do not allow [redacted] to be further harmed. It is my fervent prayer that upon release from custody his body, mind and spirit will be intact. He truly has a good heart & soul. I promise you with the proper help he will continue to be a benefit to society.

Regards,

[redacted]

CC:
Attorney for defendant, Cameron Bowman
Santa Clara Superior Court Judge Stephen Manley
District Attorney Santa Clara County Jeffrey Rosen
Santa Clara County Deputy District Attorney Judy Lee
Senator James Webb, former Senator, Virginia
San Jose jail death: Sheriff investigating alleged threats against inmate-witnesses

BYLINE: By Tracey Kaplan tkaplan@mercurynews.com

SECTION: BREAKING; Communities; San Jose - Valley; News; Local

LENGTH: 509 words

SAN JOSE -- Responding to reports of threats against inmates who say they saw or heard three correctional officers fatally beat a fellow prisoner, sheriff's investigators Friday swarmed cell block 6B where the inmate died, locked it down, rotated in new guards and began conducting a criminal investigation.

Under state law, it is against the law to intimidate witnesses. Maximum penalties range from one year in county jail if the offense is charged as a misdemeanor and four years if it is charged as a felony.

"The Sheriff's office takes these allegations seriously and will take the necessary steps to ensure that witnesses are not intimidated," the Sheriff's Office said in a written statement. "Earlier this afternoon, the Sheriff's office became aware of alleged interference by custody staff in the ongoing investigation surrounding the murder of Michael Tyree. Upon becoming aware of this serious allegation Undersheriff John Hirokawa dispatched Criminal Detectives and Internal Affairs Investigators to the Main Jail to begin an immediate investigation."

The action came after the mother of an inmate housed in the unit where mentally ill inmate Michael Tyree died Aug. 26 said she received a telephone call from the jail and spoke to several worried prisoners there. She asked not to be identified for fear of retribution against her son.

The woman said one man told her he was warned by another inmate that "Lubrin's friends," meaning fellow guards, were trying to arrange for gang members to assault him.

The sixth floor houses people in protective custody, including former gang members and the mentally ill, complicating investigators' efforts to determine whether the threats were real or not.

But one inmate in the unit has apparently already recanted his account of what happened, sources close to the investigation said. And inmates have long complained of the kind of beatings that killed Tyree and injured prisoner Juan Villa.
Sheriff Laurie Smith vowed earlier this week to "investigate each complaint we receive," adding "We are going to approach those investigations from the assumption that the complaint is true."

But Lance Scimeca, president of the Santa Clara County Correctional Peace Officers Association, which represents the county's jail guards, said Friday in a text message that it is unfair for the sheriff to presume his members are guilty.

"I might not be a road(sic-Rhodes) scholar from Oxford, but the last time I checked, individuals are considered innocent until proven guilty," Scimeca said. "This theory holds true for correctional professionals as well."

Some jail guards have said privately that they believe Tyree and Villa were attacked by fellow inmates, who covered up their crimes by claimed the guards were responsible.

However, in the statement of facts filed by District Attorney Jeff Rosen a sheriff's investigator claims there is evidence that all the inmates were locked in their cells at the time of the alleged attacks.
Clerk of the Board of Supervisors
For Hon. Judge Murray & Hon. Judge Cundiff
70 West Hedding St 10th FL Eastons
San Jose CA 95110
Confidential

Attn: Honorable Judge LaDoris Cordell
Chair Blue Ribbon Commission
October 30th, 2015

Honorable Judge LaDoris Cordell (Chair, Blue Ribbon Commission)
C/O Clerk of the Board of Supervisors
70 West Hedding Street, 10th Floor, East Wing
San Jose, CA 95110

Dear Judge Cordell:

I began writing the enclosed letters weeks ago. As I completed each one I held on to it because I am absolutely petrified that my son will be brutally or even fatally retaliated against by guards or inmates as a result of my action.

When I read that the Blue Ribbon Commission had been established the news gave me a bit of hope. I see the creation of the Commission as an indication that my son’s life, and the lives of other inmates, just may not be considered worthless by leaders and policy makers within the Santa Clara County criminal justice system.

I am aware that the work of the Blue Ribbon Commission is scheduled to conclude in approximately 120 days. After that time, and after the media scrutiny has abated, my decision to advocate on my son’s behalf may result in his being a target outside the scope of help or protection. I’ve made the decision to follow through with this contact because at least for 120 days there will be a possibility that he will be able to exhale for some small periods of time rather not at all, which has been the case for nearly one year.

Judge Cordell, I am passing the letters along to you, and the limited list of recipients cc’d, in hopes that there may be something extracted from my son’s experience that will be helpful in identifying and addressing, with urgency, the disturbing practices within the system.

I am a transplanted New Yorker, having come from an area where police brutality was commonplace, with high profile cases often receiving historic news coverage (i.e. Abner Louima case, 1997 and Amadou Diallo, 1999), I am still terrified of law enforcement agents.
Although I commend Sherriff Smith for her courage to condemn the terrible acts that have recently been exposed, I know that it takes years to affect change in a system that's been corrupted by hatred. For that reason I believe that it's best that I not send her letter directly to her office. For that reason also, I must also request that all names included in the information I've included not be shared publically.

Thank you for taking on the role of Chair of the Commission. I am grateful for this listening forum.

Respectfully,


CC:
Attorney for defendant, Cameron Bowman
Santa Clara Superior Court Judge Stephen Manley
District Attorney Santa Clara County, Jeffrey Rosen
Santa Clara County Deputy District Attorney, Judy Lee
Senator James Webb, Former U.S. Senator of Virginia
Sherriff Laurie Smith, Santa Clara County Sherriff
October 22, 2015

Sheriff Laurie Smith
Santa Clara County Sheriff
55 West Younger Avenue
San Jose, CA 95110

Dear Sheriff Smith;

I am contacting you and others cc’d below with an urgent plea, based on the hope that reaching out to the right people who are committed to doing the right thing will enable justice to prevail.

I am the mother of Santa Clara County Jail inmate, [redacted] (CEN [redacted]). Though I understand the magnitude of my request, it is imperative that I implore you to make sure that the guards at Santa Clara County Jail do not cause further harm to my son. Please do not allow the warehousing of my son to result in his death.

[redacted] is a mentally ill inmate, suffering from PTSD, which was diagnosed during his service in the U.S. Army. PTSD, along with other mental health conditions, is well documented in his military medical records.

Following his arrest he was held in solitary confinement (aka “The Hole”) for 45 days. He has been in custody for nearly 12 months and had not been seen by a mental health professional until Oct 5, when a mental health assessment was conducted in preparation for his upcoming preliminary hearing. He still has not received the physical or psychological care that he needs. The attached news article makes it clear that it is in his best interest that I do not provide details of more disturbing, brutal treatment that he has survived.

I have no doubt those experiences have caused [redacted] additional trauma. He has uncharacteristically elected to halt attempts to make an internal complaint and has declined his legal right to file a civil complaint. He has always exhibited an innate penchant for protecting himself and others from actual or potential harm and his intense physical and mental military training eradicated any reluctance to take action. His decision to remain silent is just one high alert indication that he continues to be in harm’s way. I am prayerful that this notification does not result in retaliation against him.

Sheriff Smith, I am reaching out to you because he is in a state of complete helplessness when it comes to his safety, and also because it is absolutely crucial that he receive proper medical
treatment for the conditions of mental illness that he’s had prior to being incarcerated and for the further damage inflicted while in custody. He wholeheartedly served his country, abiding by the oath to protect and serve. While doing so he was injured but the symptoms of those mental injuries can be managed or completely reversed with the proper mental health treatment.

Thank you for the actions that you have already taken to improve inmate safety and security processes and procedures thus far. I am encouraged by the actions you continue to take on behalf of the inmates. Hopefully, your example will be the benchmark for eradicating indifference, and will eventually raise the standard of leadership and the moral code of conduct within the criminal justice system.

I am writing this letter to:

- State on record, that should my son die in custody I can, without question, attest to the fact that he would NEVER attempt to harm himself or take his own life.
- Make an appeal, on record, for him to receive the medical and mental health treatment that he deserves. My son was honorably discharged, and has spent his time in San José as a caregiver for his Army friend who became disabled while on tour in Afghanistan. I am making an appeal that military personnel assist my son with being made whole again, as he was prior to enlisting.

Sheriff Smith, do not allow [REDACTED] to be further harmed. It is my fervent prayer that upon release from custody his body, mind and spirit will be intact. He truly has a good heart & soul. I promise you with the proper help he will continue to be a benefit to society.

Regards,

[REDACTED]

CC:
Attorney for defendant, Cameron Bowman
Santa Clara Superior Court Judge Stephen Manley
District Attorney Santa Clara County Jeffrey Rosen
Santa Clara County Deputy District Attorney Judy Lee
Judge LaDoris Cordell, Chair, Blue Ribbon Commission
Senator James Webb, former Senator, Virginia
San Jose jail death: Sheriff investigating alleged threats against inmate-witnesses

BYLINE: By Tracey Kaplan tkaplan@mercurynews.com

SECTION: BREAKING; Communities; San Jose - Valley; News; Local

LENGTH: 509 words

SAN JOSE -- Responding to reports of threats against inmates who say they saw or heard three correctional officers fatally beat a fellow prisoner, sheriff's investigators Friday swarmed cell block 6B where the inmate died, locked it down, rotated in new guards and began conducting a criminal investigation.

Under state law, it is against the law to intimidate witnesses. Maximum penalties range from one year in county jail if the offense is charged as a misdemeanor and four years if it is charged as a felony.

"The Sheriff's office takes these allegations seriously and will take the necessary steps to ensure that witnesses are not intimidated," the Sheriff's Office said in a written statement. "Earlier this afternoon, the Sheriff's office became aware of alleged interference by custody staff in the ongoing investigation surrounding the murder of Michael Tyree. Upon becoming aware of this serious allegation Undersheriff John Hirokawa dispatched Criminal Detectives and Internal Affairs Investigators to the Main Jail to begin an immediate investigation."

The action came after the mother of an inmate housed in the unit where mentally ill inmate Michael Tyree died Aug. 26 said she received a telephone call from the jail and spoke to several worried prisoners there. She asked not to be identified for fear of retribution against her son.

The woman said one man told her he was warned by another inmate that "Lubrin's friends," meaning fellow guards, were trying to arrange for gang members to assault him.

The sixth floor houses people in protective custody, including former gang members and the mentally ill, complicating investigators' efforts to determine whether the threats were real or not.

But one inmate in the unit has apparently already recanted his account of what happened, sources close to the investigation said. And inmates have long complained of the kind of beatings that killed Tyree and injured prisoner Juan Villa.
Sheriff Laurie Smith vowed earlier this week to "investigate each complaint we receive," adding "We are going to approach those investigations from the assumption that the complaint is true."

But Lance Scimeca, president of the Santa Clara County Correctional Peace Officers Association, which represents the county's jail guards, said Friday in a text message that it is unfair for the sheriff to presume his members are guilty.

"I might not be a road(sic-Rhodes) scholar from Oxford, but the last time I checked, individuals are considered innocent until proven guilty," Scimeca said. "This theory holds true for correctional professionals as well."

Some jail guards have said privately that they believe Tyree and Villa were attacked by fellow inmates, who covered up their crimes by claimed the guards were responsible.

However, in the statement of facts filed by District Attorney Jeff Rosen a sheriff's investigator claims there is evidence that all the inmates were locked in their cells at the time of the alleged attacks.
October 22, 2015

Office of Honorable James Webb
P.O. Box 8795
Falls Church, VA 22041

Dear Senator Webb;

I am reaching out to you in hopes that the success that you have had in turning around the lives of individuals who would have fallen through the cracks of the criminal justice system may be extended to my son, [redacted], a U.S. Army veteran who is currently incarcerated at Santa Clara County Jail (San Jose, CA), awaiting a pre-trial hearing. He is accused of using a firearm to wound two men who threatened him.

I know without question that he would not harm innocent people. He was trained by the military to identify and respond to danger. He was also trained to protect the innocent. He received many medals, ribbons, badges, and awards during his service and he was honorably discharged.

Although you do not know my son, you have had a positive influence on him and so many others in our family of friends and neighbors here in our Burke, VA. community. You produced the evidence of your belief in [redacted]’s friend, [redacted], by offering him an internship (July 2010- January 2011) after he was convicted of committing felony-level crimes (Charges: use firearm in felony 1st off. /enter house armed, larceny).

The Fairfax County General District Court elected to use alternative sentencing that allowed Jacob to continue his college education while being monitored. He pursued his undergraduate degree at SUNY Buffalo while receiving mental health and substance abuse treatment. My brother-in-law became one of his mentors. He helped [redacted] get involved in several community service projects. Helping others bolstered Jacob’s confidence.

Like those of us who watched [redacted] work so diligently to improve his life and the lives of others, you recognized his desire to reach his full potential. Your trust in [redacted] helped him to identify his passion, and he has since become a practicing New York State attorney, currently working for the Legal Aid Society. The photo that you took together is attached.

[redacted] is not the first success story in our close circle. [redacted]’s regrettable actions resulted in felony charges (petit larceny/brandishing). Again, The Commonwealth (Prince William County Circuit Court) opted for alternative sentencing and one of the requirements was that [redacted] attend college. He was returned to “our village” and he excelled as we continued to encourage him and his
family. He graduated from Hampton University, went on to Howard University Medical School and is now a physician completing his residency at Barnes-Jewish Hospital in St Louis.

When my daughter’s friend, [redacted] was convicted of conspiracy to distribute cocaine, the Eastern District of Virginia- Alexandria Court chose restoration. She served six months in prison. After her release she was monitored while attending community college. She worked hard and took full advantage of the opportunity that she was given to rebuild her life. [redacted]'s mother and I were two of many of [redacted]'s many proud supporters as she walked across the stage to receive her law degree from North Carolina Central University.

The vast majority of the kids we raised did not challenge us to rescue them. For those who did, although they’d reached adulthood, we did not abandon them. My husband and I have been “village elders”, ceaselessly praying for the children of our friends. Now they are supporting my family and are just as committed to helping my son draw on the love and work that went into raising him so that he too will be able to fulfill his life’s purpose.

From a young age [redacted] wanted to be in the Army. He was in ROTC in high school and wanted to enlist in the Army right after graduation, but was too young (age 17). He attended Embry Riddle Aeronautical University but his heart was not in it and he went full speed ahead with his initial career plan and enlisted (September 2008). All the while I discouraged him from doing so because I knew what the Army did not—that his level of maturity did not align with his chronological age. I pled with the Army recruiter not to enlist him. I intercepted recruitment calls. At one point I actually chased the recruiter off the block when I recognized his vehicle in front of our home. I knew that [redacted] simply wasn’t ready.

Although I felt defeated and was always concerned, I accepted [redacted]'s decision and honored and respected him as I do all members of the armed forces. My husband and I were there to support him at each stage of progress—attending boot camp graduation, and writing and encouraging him to be the best. I even reached out to Gen. Colin Powell and adopted his advice to find ways to show my support.

[redacted] was also very young when he was selected for Special Forces training. Again I “took on the world” pleading that others realize that the mental endurance required would exceed his level of maturity.

With determination and passion, he became an outstanding soldier with great leadership qualities, but the traumatic experiences he endured as he excelled did in fact break him mentally. While serving he was diagnosed with PTSD and other mental health conditions that he did not have prior to enlisting. He also suffered a traumatic brain injury after succumbing to carbon monoxide poisoning. We stayed with him in Fort Campbell, KY during his recovery. Shortly after being released from the hospital he chose not to re-enlist, although his commanding officer asked us to try to convince him to reconsider. He was sent home without treatment for the PTSD symptoms (one being hypervigilance).

He wasn’t home long before he told us that he was going to San José to become his Army buddy’s caregiver. While [redacted] was in training at Fort Bragg, his friend, [redacted], was wounded in Afghanistan. We helped take care of [redacted] while he was hospitalized at Walter Reed National Military Medical Center. We witnessed the heart-break when he learned that he would have to learn to live as a quadriplegic. He was sent back to his home in San José for occupational therapy. My son
was devastated as well, and vowed to take care of [redacted]. As promised, he moved in with [redacted] and became his primary caregiver. [redacted] attended a local college, working his schedule around Ignacio’s daily medical needs. He taught [redacted] to drive and how to navigate his wheelchair to achieve more independence. Together they made some progress, but they were both wounded. While struggling to transition to civilian life they abused the medical marijuana that they were prescribed.

I felt that [redacted]’s role as caregiver was taking a toll on him. I tried to understand his fierce loyalty. I gained a better grasp on his need to continue to take care of [redacted] after speaking with [redacted], the step-mother of wounded warrior Sergeant [redacted]. I am a research editor working for AARP’s media group and initially contacted [redacted] to obtain information for a feature story about [redacted] (enclosed). She provided insight about the extremely close bond between wounded warriors. With this in mind I did not recognize that there was an urgent need for an intervention as early as then. Unfortunately, now I must live with the fact that some of the symptomatic signs that I missed have crystalized in hindsight.

Becoming a strong and proud military mom was not nearly enough. [redacted] needed medical attention, mental health and drug treatment. He needed me, the veteran community, and others who were in close proximity to be able to read the signs of mental illness. [redacted] still has the same needs.

[redacted] is mentally ill. I am not. If incarceration is the only form of satisfaction that the Santa Clara County criminal justice system seeks, I will request of those who have the authority to do so, to incarcerate me instead. I let him down. PTSD is deceptive but I should have studied his condition and initiated an intervention. I saw the symptoms on the surface but neglected to do a deeper dive. I take full responsibility for not having been as vigilant as I should have been. Meanwhile, [redacted] has been in jail for nearly a year and his needs are still unmet.

I hope that my outreach to you will in some way help [redacted] to receive the medical and psychological treatment that he deserves as a veteran. He brought his training home and wasn’t taught how to leave behind heightened survival techniques.

He fought to calm the chaos in the life of a fellow veteran. I am positive that he has the determination to reclaim himself and contribute to society in a way that God has destined him to do.

It is my prayer that others will see his redeeming qualities, along with the special circumstances surrounding this case, and find a productive way to allow him to work towards wellness.

I have asked for the case to be moved to Veterans Treatment Court. If that mercy is granted, my husband and I will relocate to San José to strengthen his local support system. We look forward to the time that he returns home to rejoin his lifelong village of outstanding professionals (including a large veteran population) who will continue to be positive influencers. We are ready to do the work so that he will be included on our list of success stories.

Senator Webb, you’ve stood by your conviction and fought for reforms to change the way that America treats inmates. You’ve led by example. I’ve watched you improve the lives of those who society would have rejected. Will you join me in my request for the Santa Clara County District Attorney to move [redacted]’s case to Veterans Treatment Court? If you are unable to do so would you please assist me with further identifying and engaging military personnel willing to advocate for
Your case to be moved? Like you I did not leave the children in my community behind. I am asking that the military not leave behind one of their own.

Because I fear for [redacted]'s safety, I must request that all names in that I have included in these documents not be shared publicly.

Thank you for your service and thank you for tackling the seemingly insurmountable issues associated with criminal justice reform.

Best Regards,

[Redacted]

CC:  
Attorney for defendant, Cameron Bowman  
Santa Clara Superior Court Judge Stephen Manley  
District Attorney Santa Clara County, Jeffrey Rosen  
Santa Clara County Deputy District Attorney, Judy Lee  
Judge LaDoris Cordell, Chair, Blue Ribbon Commission
with his father. Just coming out of coma, after carbon monoxide poisoning accident.

[redacted]'s law school graduation
and ready for the 8th grade homecoming dance

March 26

Matched at Washington University St. Louis Barnes Jewish Hospital. Thanks friends and family for the love and support. Cardiology is the next mission.

medical school graduation
Experience

**Associate Counsel, Contracts**
PPD
September 2014 – Present (1 year 2 months) | PPD

**Contract Specialist**
PPD
December 2012 – September 2014 (1 year 10 months) | Wilmington, North Carolina

**E-Discovery Document Review Attorney**
Synergy Legal Staffing
November 2009 – December 2012 (3 years 2 months) | Morrisville, NC
Conducted electronic document review in response to pretrial discovery requests related to various types of complex litigation for Fortune 500 clients

Partner

https://www.linkedin.com/in/...
Staff Attorney at Legal Aid Society  
Greater New York City Area | Law Practice  
Previous: City University of New York, Romano & Associates, C.I.A.N.A  
Education: City University of New York School of Law

Experience

**Staff Attorney**  
Legal Aid Society  
September 2015 – Present (2 months)

**Hearing Representative**  
City University of New York  
June 2015 – August 2015 (3 months) | Greater New York City Area

**Law Clerk**  
Romano & Associates  
January 2015 – March 2015 (3 months) | Greater New York City Area

**Volunteer Law Graduate**  
C.I.A.N.A  
September 2014 – March 2015 (7 months)

https://www.linkedin.com/pub/[redacted]/2a/22b/16
50 Saving Sergeant Remsburg
When a roadside bomb detonated next to Cory Remsburg in Afghanistan in 2009, he was so grievously injured that his Ranger platoon mates wondered if he'd make it. But Remsburg held on, and now, nearly five years later thanks to an army of caregivers—his dad and stepmom leading the charge—he is slowly getting his life back. A caregiving love story. By MEG GRANT

30 | Mirren at Rest
Well, not exactly. But the queen of stage and screen does take time from her well-deserved vacation at her Italian villa to chat it up about romance, gardening, work—and solitude: "I'm perfectly happy being alone." By DAVID HOCHMAN

34 | Modern Family
Young adults move home, grandparents move in, couples marry late, interracial and same-sex couples raise kids. Boomers are at the heart of it all. Meet a few clans who embody the new definition of family. Interviews by BRENNEN JENSEN

42 | Survival Guide
What do you do if your car plunges into a bay? Or you're confronted by a bear? Or your captain announces the plane will make a water landing? For crucial advice on how to respond to these and other threats, read on. By MIKE ZIMMERMAN
The morning light rose in a muted haze, and the soldiers began pulling off their night vision goggles. Weapons squad leader Cory Remsburg, 36 and on his 10th deployment, headed to a clearing to help prepare the evacuation-helicopter landing zone for his 30 fellow Rangers, just back from an overnight operation. Then, in one life-shattering moment, team leader Sergeant Robert Daniel Sanchez, walking just ahead of Remsburg, stepped on a roadside bomb, setting off a massive explosion that hurled both Sanchez and Remsburg skyward.

"There was shrapnel everywhere, and the smoke and dust made it really hard to see," recalls Staff Sergeant Bryan Rippee, mission medic. Yet within minutes, he'd found his way to a nearby canal. There, covered in mud-caked debris, Sanchez lay dead. Next to him was Remsburg—Rippee's buddy and roommate back in the States—facedown in the murky water; his heart stopped and his lungs collapsed. A large piece of shrapnel had left a golf-ball-size hole in his head, above his right temple. His back, right eye and chest were peppered with smaller wounds.

Rippee worked furiously to keep Remsburg breathing while waiting for medical transport to arrive. "I tried my best to suction the breathing tube [that had been inserted]," he explains. "I covered his chest injuries with dressings, then put him under an emergency blanket and cut off his wet clothes so he wouldn't get hypothermia."

When he loaded Remsburg into the helicopter bound for a Kandahar hospital, Rippee was sure he'd never see his friend again. "He was in really, really bad shape," he says.

Cory Remsburg, who was injured far worse than anyone on the ground that day could have imagined. Yet Rippee, who eventually left the military and is currently studying at Brown University, did see him again. And so did much of the world: in January of this year, when President Barack Obama introduced Remsburg during the State of the Union address. To a loud and sustained standing ovation by House and Senate members, the now 31-year-old soldier rose from his seat—with the assistance of his father, Craig Remsburg, who flanked him on one side, Michelle Obama on the other—and raised his right hand in a thumbs-up.

Obama, who first met Cory at D-Day anniversary ceremonies in Normandy in 2009, just four months before he was nearly killed by the bomb, offered the Ranger a sharp salute. The president then expressed gratitude to the dozens of caregivers who have assisted Cory in his recovery.
To: [redacted]
Subject: [redacted] AARP

You're welcome [redacted].

We certainly do have a lot in common. We've been blessed and because of our experiences we will be a blessing to others. I've attached photos of my son [redacted]. Seeing them periodically, gives me so much strength and gratitude. And I definitely am so much proud of [redacted]'s courage and determination to fight to get back to the "sources of love" that surrounded him in the hospital.

As you would know, he deals with setbacks and emotional ups and downs but his will to live was testament that he'll be just fine.

After our conversation, I was driving home and saw that a local gas station owner placed an enormous Fisher House sign in front of his business. I went in and got his card. [redacted] will be moving back home next week and will reach out to the owner to find out if there are opportunities for him to help at Fisher House. [redacted] has been his battle buddy [redacted]'s ([redacted]) caregiver for over a year. Helping him to become independent became [redacted]'s purpose. With that mission accomplished both he and [redacted] are fearlessly looking forward to creating great futures for themselves.

[redacted] has the same drive and level of support so there is no doubt whatsoever that he will accomplish his each of his goals also. Although we haven't met, I am very proud of him.

All the Very Best to You and Yours,
[redacted]

-----Original Message-----
From: [redacted] [mailto:[redacted] [redacted]@[redacted]]
Sent: Thursday, May 22, 2014 9:34 AM
To: [redacted]
Subject: RE: AARP The Magazine Article

[redacted]

Thank you for making the changes. It was a pleasure talking with you as well. We have many things in common.
Good Afternoon

Hope that you and the family are doing well and that you are enjoying being back to work.

It was a pleasure speaking with you. Following our conversation, editors did make rush edits to the copy regarding the text bout Cory following in Christopher's footsteps.

Our team worked diligently to ensure that each detail of the article was correct. Unfortunately, we were not able to get the corrected copy to press in time for the first edition printing. However, the changes have been made and will appear in the second and third editions. Happy to send you copies of those editions if you'd like. I am also following up with our Membership department, as we discussed.

Thank you again for your time and attention.

All the Very Best,
engagement with General Colin Powell during his Washington Speakers Bureau presentation.

Kristina: How do you lead people who are older and more experienced than you? Especially when they may not respect you simply due to your age.

Anthony: To me, you embody the essence of self-reliance and I believe beyond America many in the world needs that. Do you have a way of connecting these moral needs? [Sent to Presenter]

Now Responding to Jane: General Powell, you talked about the perception of the US in the global world, I'm connecting from Scotland, UK - what are your thoughts on how as a small nation we can make our mark as an economy in what is an increasingly competitive global market place?

Now Responding to [Name]: My college bound son followed his heart and enlisted in the Army. I cried for days - Do you have any words of encouragement for mothers or loved ones of those serving in the military?

Now Responding to Michael: You are a unique public figure. You transcend political parties, race, age, and gender. What is the essence of this uniqueness and how can we get more public figures to embrace these characteristics?
(left). On base in Germany
Afghanistan- The vehicle that [redacted] was driving.
and (San José)

October 30th, 2015

Office of the District Attorney of Santa Clara County
70 W. Hedding Street, West Wing
San Jose CA 95110

Dear Mr. District Attorney:

My son, [Redacted] Johnson (inmate- [Redacted] (CEN [Redacted])), is a mentally ill veteran who still possesses the will, strength and determination to be made whole. To accomplish this he needs proper mental and medical health care. Fairly granting him the opportunity to participate in a Veterans-guided re-entry program will not only enable him to restore his life but it will also be a step in fixing the fractures within the criminal justice system. I've read that you have been appointed to the Blue Ribbon Commission. In light of the exposure of the cruelty that many inmates, including my son, have experienced, I am hopeful that there will be insightful takeaways from the details included with this letter that may be useful in helping to frame perspectives around the most critical issues that need addressing in order to bring about positive change. Because of my continued concern for [Redacted]'s safety (See attached letter to Judge LaDoris Cordell), I must request that our names not be shared publicly.

I am asking that the military community be given the opportunity to complete the cycle of [Redacted]'s service to our country. They are best qualified to help him transition to civilian life, as they were able to identify and leverage his many positive traits, characteristics and leadership skills when they recruited him and advanced his training. They are best qualified to provide him with the tools and techniques to put at bay the combat survival component of his training. They are best qualified to guide him towards achieving wholeness without the need to self-medicate. Veterans Treatment Court has the necessary authority and resources to assist him. Conversely, additional time in jail will only result in his mental decline.

I am requesting that you extend to him the opportunity to become a success story. I can assure you that once he receives proper physical and psychological health care, and he is involved in programs and services designed to help him to focus his attention and energy on healing, he will be able to continue pursuing his goal of working in a social service-oriented career. He will also continue to be a well-respected and beloved friend and family man who makes positive and impactful contributions to society. He has demonstrated that he is more than capable of doing so in many ways including:
• Being a loving and involved father
• Being a loyal, self-sacrificing primary caregiver and friend to another fellow veteran (While in the service, his friend was not only wounded physically when he became a quadriplegic, he had prior emotional damage having lost his mother, on his birthday, in a car accident)
• Continuing to pursue his education
• Helping citizens who are in need (Last year he rescued a man who was trapped in a burning vehicle)
• He’s mentored African American young men at a District of Columbia charter school

[Redacted] has established career goals and he has a strong community of loved ones who have proactively begun the initial phases of helping him to rebuild. My husband and I are willing to relocate to San José to support him through treatment. Following successful completion of the required programs he can return to a solid foundation within an outstanding community. He belongs to us now and always. I am asking you to allow us all to prove how a village of veterans, medical professionals, a community of loved ones and a determined young man can create the good for society, something that he can’t even imagine doing as a stow away at Santa Clara County Jail.

I believe in [Redacted]’s return to health and wholeness and I also know that he will enrich the lives of others not because he is my son, but because I have not turned away from the responsibility of helping other adult children in our community defy overwhelming odds, that favored failure, go on to step into their pre-ordained, purpose-filled lives. It was [Redacted] who did not give up on his friends when they were in crisis. He was most grateful for the support and encouragement that we gave them (Please see examples in my letter to Senator Webb).

Mr. Rosen it is my prayer that you too will see that both the nature and nurture aspects that truly define [Redacted] as a fine young man are stronger than the external experiences which have led to this request for a life-restoring intervention.

Thank you for your time, attention and consideration.

Respectfully,

[Redacted]

CC:

Attorney for defendant Cameron Bowman
Attorney Judy Lee, Santa Clara County Deputy District Attorney
Judge Stephen Manley, Santa Clara County Veterans Treatment Court/Blue Ribbon Commission
Judge LaDoris Cordell, Chair Blue Ribbon Commission.
October 22, 2015

Sheriff Laurie Smith  
Santa Clara County Sheriff  
55 West Younger Avenue  
San Jose, CA 95110

Dear Sheriff Smith;

I am contacting you and others cc’d below with an urgent plea, based on the hope that reaching out to the right people who are committed to doing the right thing will enable justice to prevail.

I am the mother of Santa Clara County Jail inmate, [redacted] (CEN [redacted]). Though I understand the magnitude of my request, it is imperative that I implore you to make sure that the guards at Santa Clara County Jail do not cause further harm to my son. Please do not allow the warehousing of my son to result in his death.

[redacted] is a mentally ill inmate, suffering from PTSD, which was diagnosed during his service in the U.S. Army. PTSD, along with other mental health conditions, is well documented in his military medical records.

Following his arrest he was held in solitary confinement (aka “The Hole”) for 45 days. He has been in custody for nearly 12 months and had not been seen by a mental health professional until Oct 5, when a mental health assessment was conducted in preparation for his upcoming preliminary hearing. He is still not receiving the physical or psychological care that he needs. The attached news article makes it clear that it is in his best interest that I do not provide details of more disturbing, brutal treatment that he has survived.

I have no doubt those experiences have caused [redacted] additional trauma. He has uncharacteristically elected to halt attempts to make an internal complaint and has declined his legal right to file a civil complaint. He has always exhibited an innate penchant for protecting himself and others from actual or potential harm and his intensive military training eradicated any reluctance to take action. His decision to remain silent is just one high alert indication that he continues to be in harm’s way. I am prayerful that this notification does not result in retaliation against him.

Sheriff Smith, I am reaching out to you because he is in a state of complete helplessness when it comes to his safety, and also because it is absolutely crucial that he receive proper medical treatment for the conditions of mental illness that he's had prior to being incarcerated and for the further damage inflicted while in custody. He wholeheartedly served his country, abiding by the oath to protect and serve. While doing so he was injured but the symptoms of those mental injuries can be managed or completely reversed with the proper mental health treatment.
Thank you for the actions that you have already taken to improve inmate safety and security processes and procedures thus-far. We are encouraged by the actions you continue to take on behalf of the inmates. Hopefully, your example will be the benchmark for eradicating indifference, and will eventually raise the standard of leadership and the moral code of conduct within the criminal justice system.

I am writing this letter to:

- State on record, that should my son die in custody I can, without question, attest to the fact that he would NEVER attempt to harm himself or take his own life.
- Make an appeal, on record, for him to receive the medical and mental health treatment that he deserves. My son was honorably discharged, and has spent his time in San José as a caregiver for his Army friend who became disabled while on tour in Afghanistan. I am making an appeal that military personnel assist my son with being made whole again, as he was prior to enlisting.

Sheriff Smith, do not allow [redacted] to be further harmed. It is my fervent prayer that upon release from custody his body, mind and spirit will be intact. He truly has a good heart & soul. I promise you with the proper help he will continue to be a benefit to society.

Regards,

[Redacted]

CC:
Attorney for defendant, Cameron Bowman
Santa Clara Superior Court Judge Stephen Manley
District Attorney Santa Clara County Jeffrey Rosen
Santa Clara County Deputy District Attorney Judy Lee
Senator James Webb, former Senator, Virginia
San Jose jail death: Sheriff investigating alleged threats against inmate-witnesses

BYLINE: By Tracey Kaplan |tkaplan@mercurynews.com

SECTION: BREAKING; Communities; San Jose - Valley; News; Local

LENGTH: 509 words

SAN JOSE -- Responding to reports of threats against inmates who say they saw or heard three correctional officers fatally beat a fellow prisoner, sheriff's investigators Friday swarmed cell block 6B where the inmate died, locked it down, rotated in new guards and began conducting a criminal investigation.

Under state law, it is against the law to intimidate witnesses. Maximum penalties range from one year in county jail if the offense is charged as a misdemeanor and four years if it is charged as a felony.

"The Sheriff's office takes these allegations seriously and will take the necessary steps to ensure that witnesses are not intimidated," the Sheriff's Office said in a written statement. "Earlier this afternoon, the Sheriff's office became aware of alleged interference by custody staff in the ongoing investigation surrounding the murder of Michael Tyree. Upon becoming aware of this serious allegation Undersheriff John Hirokawa dispatched Criminal Detectives and Internal Affairs Investigators to the Main Jail to begin an immediate investigation."

The action came after the mother of an inmate housed in the unit where mentally ill inmate Michael Tyree died Aug. 26 said she received a telephone call from the jail and spoke to several worried prisoners there. She asked not to be identified for fear of retribution against her son.

The woman said one man told her he was warned by another inmate that "Lubrin's friends," meaning fellow guards, were trying to arrange for gang members to assault him.

The sixth floor houses people in protective custody, including former gang members and the mentally ill, complicating investigators' efforts to determine whether the threats were real or not.

But one inmate in the unit has apparently already recanted his account of what happened, sources close to the investigation said. And inmates have long complained of the kind of beatings that killed Tyree and injured prisoner Juan Villa.
Sheriff Laurie Smith vowed earlier this week to "investigate each complaint we receive," adding "We are going to approach those investigations from the assumption that the complaint is true."

But Lance Scimeca, president of the Santa Clara County Correctional Peace Officers Association, which represents the county's jail guards, said Friday in a text message that it is unfair for the sheriff to presume his members are guilty.

"I might not be a road(sic-Rhodes) scholar from Oxford, but the last time I checked, individuals are considered innocent until proven guilty," Scimeca said. "This theory holds true for correctional professionals as well."

Some jail guards have said privately that they believe Tyree and Villa were attacked by fellow inmates, who covered up their crimes by claimed the guards were responsible.

However, in the statement of facts filed by District Attorney Jeff Rosen a sheriff's investigator claims there is evidence that all the inmates were locked in their cells at the time of the alleged attacks.
INTRODUCTION

On August 18, 2014, [REDACTED] in inmate at the Santa Clara County Jail, filed this pro se civil rights action under 42 U.S.C. § 1983. His complaint was dismissed with leave to amend, and he filed a timely amended complaint. On February 3, 2015, the Court issued an order of service finding plaintiff had stated cognizable First Amendment claims for retaliation and violation of his right to access the courts. Now before the Court are several miscellaneous motions brought by plaintiff and defendants.

DISCUSSION

A. Motion to Amend

On April 1, 2015, plaintiff filed a document titled “Amend to Complaint,” (dkt. 35), which the Court construes as a motion for leave to file a Second Amended Complaint (“SAC”). Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party’s pleading once as a matter of course within 21 days after serving it or, if the pleading is one to which a responsive pleading is required, within 21 days after service of a responsive pleading. Fed. R. Civ. P. 15(a). Otherwise, a party may amend only by leave of the court or by written consent of the adverse
complaint must have some relation to the claim(s) set forth in the original pleading, although they
need not be about the same transaction. See Keith v. Volpe, 858 F.2d 467, 474 (9th Cir. 1988).
The Court will not, however, grant leave to amend to add the supplemental claims here because
plaintiff has already separately raised these claims in [REDACTED] and [REDACTED].

For the foregoing reasons, the motion to amend is DENIED.

B. Defendants’ Administrative Motion

Defendants have filed an administrative motion requesting that the Court screen the SAC
and revise the briefing schedule. Dkt. 38. Defendants point out that their dispositive motion is
currently due by May 4, 2015. As discussed above, plaintiff had been denied leave to file his
proposed SAC. Accordingly, defendants’ administrative motion is DENIED as moot. However,
the Court will sua sponte grant an extension of time for defendants to file a dispositive motion and
will set forth a new briefing schedule below.

C. Defendants’ Motion to Strike Response to Answer

 Plaintiff filed two responses to defendants’ Answer to the Amended Complaint. Dkts. 23,
31. Defendants have filed a motion to strike plaintiff’s responses. Dkt. 34. Plaintiff’s responses
to the Answer were unnecessary and attempted to introduce new claims not pleaded in the
Amended Complaint. Accordingly, defendants’ motion to strike is GRANTED.

D. Plaintiff’s Motion for Preliminary Injunction

 Plaintiff has also filed a document titled “Emergency Injunctive Relief” (dkt. 33), which
the Court construes as a motion for a preliminary injunction. In the motion, plaintiff alleges that
he received an infraction for sending an appeal of his inmate grievance in an envelope marked
“confidential legal mail.” Dkt. 33 at 1. Plaintiff asks the Court to overturn the Santa Clara
Department of Corrections’ disciplinary decision.

Federal Rule of Civil Procedure 65 sets forth the procedure for issuance of a preliminary
injunction or temporary restraining order (“TRO”). “A preliminary injunction is ‘an extraordinary
and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries
the burden of persuasion.’” Lopez v. Brewer, et al., 680 F.3d 1068, 1072 (9th Cir. 2012) (citation
F. Plaintiff's Request for Appointment of Counsel

Plaintiff has requested that counsel be appointed to assist him in this action. Dkt. 39. A district court has the discretion under 28 U.S.C. § 1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See id. Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915 (e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident. The request for appointment of counsel is therefore DENIED. The Court will consider appointment of counsel on its own motion, and seek volunteer counsel to agree to represent plaintiff pro bono, if it determines at a later time in the proceedings that appointment of counsel is warranted.

G. Plaintiff's Motion for Summary Judgment

Finally, plaintiff has filed a motion for summary judgment. Dkt. 40. The motion is difficult to understand, and the Court cannot discern whether it is based on the allegations in the SAC. In any event, it is premature in that it was filed before the Court had screened the SAC. Accordingly, plaintiff's motion for summary judgment is DENIED without prejudice. He may refile a motion for summary judgment, based on the allegations found cognizable in the first amended complaint, after defendants have filed their dispositive motion.

CONCLUSION

For the foregoing reasons, the Court orders as follows:

1. Plaintiff’s motion for leave to file a Second Amended Complaint (dkt. 35), is DENIED.

2. Defendants' administrative motion for the Court to screen the Second Amended Complaint (dkt. 38), is DENIED as moot.

3. Defendants' motion to strike plaintiff’s response to the answer (dkt. 34) is GRANTED.

4. Plaintiff’s motion for emergency injunctive relief (dkt. 33), is DENIED.

5. Plaintiff’s motion for production of documents (dkt. 37) is DENIED.
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,
v.
GILLOTE, et al.,
Defendants.

Case No. 

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/28/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Santa Clara County Department of Corrections
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110-1718

Dated: 4/28/2015

Richard W. Wieking
Clerk, United States District Court

By:
Nikki D. Riley, Deputy Clerk to the
Honorable HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. [REDACTED]
ORDER OF SERVICE

Plaintiff,
v.
CAPTAIN HOYT, et al.,
Defendants.

INTRODUCTION

Plaintiff, an inmate at the Santa Clara County Jail, filed this pro se civil rights complaint under 42 U.S.C. § 1983 claiming that he was disciplined in retaliation for pursuing an administrative grievance. The complaint was dismissed with leave to amend, and Plaintiff filed a timely first amended complaint ("FAC") which is now before the Court for review pursuant to 28 U.S.C. § 1915A.

DISCUSSION

A. Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which relief may be granted," or "seeks monetary relief from a defendant who is immune from such relief." Id. § 1915A(b). Pro se pleadings must be liberally construed, however. Baltzer v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the
petitioner seeks relief from conditions of confinement that violate the minimum standards of the California Code of Regulations, Title 15, Section 3326 et seq., and alleged contravene the constitution of the United States and the Constitution of the State of California. In re Fong, 759 P.2d 1389 (1988).

Moreover, Section 3326 of the California Code of Regulations provides in part:

(a) The Board of Corrections shall establish minimum standards for local detention facilities by July 1, 1972. The board of corrections shall review, adopt, amend, and make such revisions.

(b) The standards shall include, but not limited to, the following factors and

CASE NO. 52

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

PETITIONER VS.
SANTA CLARA COUNTY

RESPONDENT

WRIT OF HABEAS CORPUS
SANITARY CONDITIONS, FIRE AND LIFE SAFETY, SECURITY, REHABILITATION PROGRAMS, TREATMENT OR ARRIVAL CONTAINED IN LOCAL DETENTION FACILITIES; AND PERSONNEL TRAINING.

IT IS APPROPRIATE TO LOOK TO THE STANDARDS ESTABLISHED BY THE CALIFORNIA BOARD OF CORRECTIONS BECAUSE THE LEGISLATURE INTENDED THAT THE MINIMUM STANDARDS IT MANIPULATED THE BOARD OF CORRECTIONS TO ADOPT TO REPRESENT SOMETHING OTHER THAN AN IDEA, OUTSIDE THE Scope OF ATTAINMENT. THIS IS BORNE OUT BY PENAL CODE SECTION 4015, WHICH STATES:

"THE SHERIFF MUST RECEIVE ALL PERSONS COMMITTED TO HIM BY CONSENT AUTHORITY. THE BOARD OF SUPERVISORS SHALL AID THE SHERIFF WITH NECESSARY FOOD, CLOTHING, AND BEDDING, FOR SUCH PERSONS, WHICH SHALL BE OF A QUALITY AND QUANTITY AT LEAST EQUAL TO THE MINIMUM STANDARDS AND REQUIREMENTS DESCRIBED BY THE BOARD OF CORRECTIONS FOR THE FEEDING, CLOTHING, AND CARE OF PERSONS IN ALL COUNTY, CITY, AND OTHER LOCAL SHERIFF AND DETENTION FACILITIES."

State Court Department of Correction StateNat 2000 is 2000 Compliance with Title 15 and 16 as well as Earlier Because the Building was Constructed in 1982; They do not have to follow the Board of Corrections Standards.

California Board of Corrections State that they do not have the authority to direct State China, DOC, to follow the minimum standards (see attached links and guidelines). Sections 1100-1121 of Title 15 may not be in fact applicable as such to the State China, DOC, nor are these State Standards, Title 15 contains a partial exclusion clause for facilities which were in compliance with Standards in effect at the time of initial planning, while we note that the court reserve jurisdiction at need not address the question of whether State China, DOC, would be in Compliance at the time of Planning because that is immaterial to the Constitutional Issues and whether the time at 15 Standards will Affect a Contemporaneous Planning of Building.
Example, because Santa Clara D.O.C. main jail south was constructed in the 1950's, does that mean that don't have to comply with the Civil Rights enforcement of 1964 and California Penal Code 4280-12601 of 1976? The 8th Amendment prohibition against cruel and unusual punishment requires prison conditions to be humane. To establish an 8th Amendment violation, petitioners must show (1) a deprivation that is objectively, sufficiently serious that petitioners were denied the minimal civilized measure of life's necessities and (2) a sufficiently culpable state of mind on the part of the defendants' officials, such as deliberate indifference to petitioners' health or safety.

Petitioner states a cause of action by alleging that jail officials knew and continue to exhibit deliberate indifference in exposing inmates to unconstitutional conditions, understaffing and violent overcrowding which officials knew of and that denied the inmates which place an un-constitutional risk of serious damage to all inmates.

The Petitioner is unable and continue to the extent that petitioner unable to the ability of review on July 20, 2015.

[Signature]

Petitioner

7-27-15
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

In re

[Redacted]
On Habeas Corpus

Nos.: [Redacted]

REQUEST FOR
INFORMAL RESPONSE

[Redacted], hereinafter Petitioner, has submitted a habeas corpus petition in which he asserts (1) jail overcrowding is in violation of Title 24 and (2) in which he also complains of mold in the bathroom.

Regarding the mold assertion, as Petitioner has been repeatedly told in previous habeas orders, it is required that inmates exhaust their administrative remedies to the highest level before petitioning the courts. Petitioner has made no attempt to do so with this claim and it is therefore summarily denied.

Regarding Petitioner's assertion of overcrowding, Main Jail Division Commander, Captain Hoyt, has responded to Petitioner that "the Board of State and Community Corrections has recently visited..."
our facility, and all housing units were found to be in compliance
with Title 15 and Title 24 standards."

Because Petitioner has presented a factual allegation that this
Court is unable to confirm as it would a purely legal issue, it is
requested that County Counsel provide, within 15 days, an informal
response to the petition which need only be comprised of the
documentation supporting Captain Hoyt's statement. Petitioner should
file any reply to the informal response within 15 days of its
receipt. While the 15 day timeframes are the statutory default, (see
CRC 4.551(b)(2),) reasonable requests for extensions of time will be
received favorably (see CRC 4.551(h)).

DATED: 9/14/15, 2015

HON. JULIA ALLOGGIAMENTO
JUDGE OF THE SUPERIOR COURT

CC: Petitioner
    County Counsel (with copy of petition)
    Research(8-4A)
    CJIC
CLERK’S CERTIFICATE OF SERVICE

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS HAND-DELIVERED INTO THE BELOW-LISTED AGENCY’S INTEROFFICE MAILBOX, (WHERE APPLICABLE), OR MAILED WITH FIRST CLASS POSTAGE PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW, AND THAT THESE DOCUMENTS WERE PLACED FOR PICK-UP OR MAILED AT SAN JOSE, CALIFORNIA ON THE DATE SHOWN BELOW.

DAVID YAMASAKI, CHIEF EXECUTIVE OFFICER

DATED: SEP 16 2015

BY: [Signature]  

PETITIONER:  
PFN: [Redacted] / BK# [Redacted]  
Santa Clara County Main Jail  
150 West Hedding Street  
San Jose, CA 95110

OFFICE OF COUNTY COUNSEL  
Santa Clara County  
70 West Hedding Street  
East Wing, 9th Floor  
San Jose, CA 95110-1770  
* Copy of Petition Included

RESEARCH: (8-4A)

(Via Interoffice Mail)

CJIC:

(Via Interoffice Mail)
July 17, 2015

Mr. [redacted]
CEN# [redacted] / PFN [redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear [redacted],

I received your letter dated July 11, 2015, appealing the response to Grievance #101481. The Board of State and Community Corrections has recently visited our facility, and all housing units were found to be in compliance with Title 15 and Title 24 standards.

I have noted that you believe your housing situation is affecting your mental health. Thank you for bringing this to my attention; I am submitting a referral to Mental Health in order to address this issue.

Sincerely,

[Signature]
Captain Host
Main Jail Division Commander

BH:evv

cc: Administrative / Compliance Sergeant
Mental Health Supervisor
DETAILED OF GRIEVANCE. PRINT! BE SPECIFIC!

WHAT SOLUTION ARE YOU RECOMMENDING?

[Redacted]

[Redacted]

OFFICER'S NAME: 

DATE: 

TIME: 

SUPERVISOR'S ACTION: 

[Redacted]

DATE: 

TIME: 

SUPERVISOR'S NAME: 

DATE: 

TIME: 

SHIFT LIEUTENANT REVIEW: 

[Redacted]

DATE: 

TIME: 

FACILITY COMMANDER/DESIGNEE REVIEW: 

DATE: 

TIME: 

SIGNATURE: 

[Redacted]

DATE: 

TIME: 

[Redacted]

DATE: 

TIME:
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC: Arson
in California Code of Regulations Section 1331.2.3 states that there shall be a minimum of 72 SQ. FT. for
Double-bed units. Request that this be increased to accommodate the minimum number of inmates
Section 1331.1.9 2-Man cell is 200 SQ. FT. per 16 K-12 beds. The minimum shall
be 740 SQ. FT. with the same premises as described. The number of inmates over-extended
makes us have a 6th amendment right and attacking our mental health.

WHAT SOLUTION ARE YOU RECOMMENDING: Report the number of tourists to maintain the level of life

Your Signature: [Redacted]
Date: 7/18/15 Time: [AM/PM]

Received from Inmate on:
Day: Wed Date: 7/18/15 Time: Good Officer: [Redacted] Team: 1

RESPONDING OFFICER'S STATEMENT (Please print): Due to your housing location,

You are up to regulations according to the state board of corrections.

You may contact the state board of corrections for any reasons:

[ ] Resolved [ ] Refer to Level II

Officer's Name: [Redacted] Team: 1 Date: 7/18/15

SUPERVISOR'S ACTION: THIS IS AN INTEGRAL SERVICE OF YOUR HUMAN RIGHTS

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [Redacted] Team: 1 Date: 7/18/15

SHIFT LIEUTENANT REVIEW: N & Concur [ ] Reversed

SIGNATURE: [Redacted]
Date: 7/18/15 Time:

SUPPORT SERVICE RESPONSE: Unit Assigned:
Date Due: 7/18/15

Response by: [Redacted] Title: [Redacted]
Date: 7/18/15 Time:

FACILITY COMMANDER/DIRECTOR REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [Redacted]
Date: 7/18/15 Time: [Redacted]
September 9, 2014

[Redacted]

Elmwood Correctional Facility
701 S. Abel St.
Milpitas, CA 95035

Dear [Redacted]:

The Board of State and Community Corrections (BSCC) is in receipt of your letter dated August 24, 2014 in which you state your Constitutional Rights have been violated at the Santa Clara County Elmwood Facility.

The BSCC, among its various responsibilities, is tasked with establishing and revising minimum standards for local adult and juvenile detention facilities. BSCC also inspects those facilities for compliance with the standards and reports its findings biennially to the State Legislature. However, BSCC has no statutory authority to investigate specific issues of the nature you describe. We do maintain letters such as yours for reference during future inspections related to the regulation in question.

If, as stated in your letter, you have filed grievances and subsequent appeals resulting in what you believe is no relief you have exhausted your administrative remedy. You next course of action is with the courts, not BSCC.

Again, this letter and response will remain in our file for future inspections and we will forward your letter and response to the facility commander.

Sincerely,

[Signature]

Ronald L. Bertrand
Field Representative
Facilities Standards and Operations Division

cc: Captain Kevin Heilman, Elmwood Facility, Santa Clara County Sheriff's Department

5140 Santa Clara Elmwood Men's Facility #35: 9/9/2014
April 6, 2015

Mr. [Name] [Redacted] PFN [Redacted]
Santa Clara DOC Main Jail
150 West Hedding Street
San Jose, CA 95110-1718

Dear [Name] [Redacted]:

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated February 19, 2015, March 5, 2015, and March 16, 2015 in which you complain about denial of access to services during your current incarceration at the Santa Clara Main Jail.

Your letter dated February 19, 2015 stated that the jail facility is out of compliance with not having enough wash-basins, toilets and does not provide hot, cold or tempered water as required by Title 24, Part 2, Section 1231. Your letters dated March 5 & 15, 2015 refer to your civil liberties being violated.

I must inform you that the BSCC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSCC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff or the county or designated facility administrator has the ultimate authority to mandate compliance.

Regarding the Title 24, Part 2 Section 1231, Sgt. Liddle stated that they were unaware of this issue and he will have the building maintenance crew look into it. Regarding your last two letters, we suggest that you continue to utilize the grievance procedures in place at the jail to bring issues such as this to the attention of facility management and allow them the opportunity to address your concerns. You may also consult your attorney.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

Michael Bush
Facilities Standards and Operations Division

cc: Eric Liddle, Sergeant, Santa Clara County Sheriff’s Department.
August 31, 2015

Mr. PFN
Santa Clara DOC Main Jail
150 West Hedding Street
San Jose, CA 95110-1718

Dear Mr. PFN,

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated July 7 & 15, 2015 and August 15, 2015, in which you complain about your denied grievance and that your Civil Rights have been violated while in custody at the Santa Clara Main Jail.

As I explained to you during our last correspondence, BSCC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSCC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff of the county or designated facility administrator has the ultimate authority to mandate compliance.

Your letter dated July 11, 2015 stated that your living condition, while being detained, is affecting your mental health condition of anxiety and panic attacks due to the crowded condition inside your living space. You also stated that the facility is out of compliance for with not having enough floor space for inmates.

Regarding your mental health condition, BSCC suggests you contact the mental health services that are available to you. You are correct regarding the facility being out of compliance with your living area. The department have been made aware of and has been working very hard to remedy the situation. As for your last two letters, we understand that you have utilized BSCC suggestion by utilizing the grievance procedure in place and you have contacted your attorney of records. Please allow the process to work by allowing them the opportunity to address your concerns.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

Michael Bush
Facilities Standards and Operations Division

cc: Commander, Santa Clara County Sheriff's Department.

5120 Santa Clara 08/31/2015
Plaintiff, an inmate in Santa Clara County Department of Corrections - Main Jail, seeks monetary damages from Defendants for violating his 1st Amendment right to petition government for redress of grievances. Persons in prison, like other individuals, have a right to petition the government for redress of grievances. Thus, the filing of a nonfrivolous prison grievance, like the filing of an inmate lawsuit, is protected First Amendment activity. The First Amendment protections include access of prisoners to the courts for the purpose of presenting their complaints.

First Amendment rights to petition the government for a redress of grievances are violated when a prisoner is punished for filing a grievance concerning the...
Conditions of his Imprisonment. On 1-18-15 I sent an Appeal Letter to Division Commander Hoyt regarding a Writ of Habeas Corpus Case # B1369966. In which Judge Tola Alocos-Mezzo, Superior Court of California County of Santa Clara, denied for failure to exhaust all levels of administrative exhaustion. On 1-27-15, Plaintiff received a major rule infraction for seeking administrative redress. Plaintiff was found guilty by Lieutenant Borszynker and placed in disciplinary isolation. Plaintiff appealed to Division Commander Hoyt which was denied. Santa Clara Correctional Officer Crawford issued this initial infraction.

On 2-24-15, Plaintiff received another major rule infraction for sending an appeal letter to Division Commander Hoyt via the infraction confidential letter mail written on the outside of the envelope. Deputy Homan issued the infraction and Plaintiff appealed to Division Commander Hoyt and Chief of Corrections John Harkins. Which was denied and ignored. Defendants have been put on notice of these wrongs and have continued to deny any relief. They have also violated their own policy and procedure which states that "it is the policy of the Department of Corrections to recognize and protect inmates rights relative to their confinement and consistent with their status." Section 14.03.01

Prison walls do not form a barrier separating prison inmates from the protections of the Constitution. It is well-established that among the rights relying, Plaintiff has a First Amendment right to file grievances, retaliation against Plaintiff for the exercising of this right is itself a constitutional violation, and prohibited as a matter of clearly established law. Rhodes v. Robinson 484 F.3d 559, 566 (9th Cir. 2007); Bruce v. Viss 351 F.3d 1233, 1248 (9th Cir. 2003); Pratt v. Rowland 65 F.3d 802, 806 n.4 (9th Cir. 1995).
Intentional Obstruction of a Prerogative Right to Seek Redress of Grievances is the Type of Conduct Section 1983 is Intended to Remedy, and Further Holding That Plaintiff Should Not Be Any Less Entitled to Relief Under Section 1983 Because He Was Addressing Complaints to Jail Officials Rather Than the Courts.

When a Government, Federal, State or Local, Formally Adopts a Mechanism for Redress of Those Grievances for Which Government Is Allegedly Accountable, It Would Seem to Undermine the Constitutions Vital Purpose to Hold That One Who in Good Faith Files an Arguably Meritorious "Petition" Involving That Mechanism May Be Discouraged for Such Injunction by the Very Government That Is Compliant with the Petition Clause. Has Given the Particular Mechanism Its Constitutional Impetus When One Files a Petition One Is Not Appealing Over Governments Head to the General Citizenry. When One Files a Petition One Is Addressing Government and Asking Government to Fix, What Allegedly, Government Has Broken Or Has Failed to Do its Duty to Repair.

The Right to Petition Government for Redress Is a Fundamental Component of a Just and Orderly Society. Prisoners Have a Right Under the First and Fourteenth Amendment to Petition the Government for Redress of Grievances and to Obtain Free Access to the Courts. Filing a Lawsuit and Grievances Are Protected Activities and That an Employee Has a First Amendment Right to File Grievance Against Prison Officials. Retaliation Prompted By the Exercise of a Constitutionally Protected Right Is in Itself a Violation of Constitutional Rights.

Plaintiff Was Placed on Extended Recess in Punitive Housing. Denied Copies of Unrestricted Policy and Procedure Sections 12.01 & 12.03 of Santa Clara O.C. Policy and Procedure Manual. Plaintiff Has Notified This Administration
of the 1st Amendment violations yet was and continued to be ignored.

Plaintiff suffers from P.T.S.D. (Anxiety) in which was caused by a violent beating from San Francisco Police Officers in 2000 which lead to facial reconstructive surgery. I’ve been threatened with physical harm on two occasions in Santa Clara D.O.C. by Lt. Borsinher, Davis, 96 Stedens, Lozada, and Pinon. Grievances were filed tracking # 102387 and 98324.

I’ve reported these incidences to no avail.

During my 15 years of numerous incarceration have I even received routine action from prison officials. I’ve had no wake-ups in any other institutions, as I have in Santa Clara D.O.C. This department has demonstrated a policy, pattern, custom and practice of violating inmate rights and ignoring complaints from inmates. All of my grievances were denied even when the department violated their own policy and procedures. Then and if officials would retaliate with disciplinary actions when confronted. I’ve received 5 major rule infractions for exercising my rights and helping other inmates. While seeking administrative redress, I’ve been harassed, lied to and even threatened.

It is well-established that prison officials may not retaliate against inmates for exercising their constitutional rights. Even routine administrative decisions cannot be made in retaliation for the exercise of constitutionally protected rights. An inmate’s right to seek redress of his grievances is guaranteed by the 8th and Fourteenth Amendments. Indeed, purposeful interference with a prisoner’s right to petition for redress in prison disciplinary proceedings or a court of law is forcibly the sort of oppression that Section 1983 is intended to remedy.
Sheriff Laurie Smith, after being informed of the violations through a report or appeal, failed to remedy the wrongs and has created a policy or custom under which unconstitutional practices occurred and allowed the continuance of such a policy or custom and was grossly negligent in supervising subordinates who committed the violations of Plaintiffs' rights as well as exhibited deliberate indifference to the rights of Plaintiff by failing to act on information indicating that unconstitutional acts were occurring of which Plaintiff suffered punishment for seeking redress of grievances.

Chief of Corrections John Hirokawa, after being informed of the violation through a report or appeal, failed to remedy the wrongs and created a policy and custom under which unconstitutional practices occurred and allowed the continuance of such policy and custom which led to grossly negligent supervision of subordinates who committed the unauthorized acts of violating Plaintiff's constitutional right to petition government for redress of grievances.

Division Commanders Surfveda and Hoyt participated directly in the violation through the continuance which they knew to be wrong, and through the disciplinary appeals they rejected. After learning of the violation, did nothing to remedy the wrongs. Lieutenant Taylor and Foreman participated directly in violations in the right to petition government for redress by disciplinary sanctions also failed to follow Santa Clara C.D.C. policy and procedure. Sergeant Participated directly in threatening and fulfilling that with mail rule instruction for calling internal affairs which
Protected Conduct. After being put on notice that his action was violating a well-established law, Ignored The Information. Internal Affairs Failed to Protect my Medical Records which I released to her regarding medical complaints that were filed, she failed to protect my constitutional rights to petition without punitive action from the department.

Deputy Crawford and Rosen Issued The Major Rule Infraction which Plaintiff Suffered Disciplinary Sanction For Seeking Redress for Judicial Review. Plaintiff is Pro-Peo, Pro-Se Inmate In Several Civil Rights Actions in front of Judge Haywood S. Gilliam. USOC Case Number: [Redacted]

San Francisco Division. On 10-6-2015, Plaintiff Received A Copy of Medical Clearance Form which demonstrates that the Department Handcuffed Plaintiff's Efforts to Successfully Litigate Case Number USOC [Redacted], 9th Circuit Case [Redacted] and Federal Case Number [Redacted]

Santa Clara Department of Corrections Policy and Procedure 1.57 states In A Commander is The Custodian of Records. Therefore Plaintiff was Enforced to Protected Conduct, Received Adverse Punishments, For Seeking Administrative Redress, and Judicial Review, For Exhausted All Available Administrative Redress. The Act or demurring an Exercise of His Right To Consider an Act Simultaneously A Violation of Substantive Constitutional Rights to Procedural Due Process because the Right to Consider is Protected Conduct under 1st and 14th Amendments. The manner of delivering an Exercise of His Right could violate The Procedural Necessities Contemplated In The Due Process Clause.
To: Division Commander Hoyt

From: [Redacted]

Date: 8-15-15/8-25-15

RE: Appeal Letter of Grievance 101666

This is an appeal of Grievance 101666 in which mold and standing water is present in 214 West. No work has been completed for water still leaks from toilet flush button which leaks in need of work between sink and toilet. Work order 10598466 was not completed on 8-7-15, due to delay in getting work completed. Taking picture on 8-14-15 regarding this issue.

Sincerely,

[Redacted]

50 West Hedges St
San Jose, CA 95110-2778

95 on 8-17-15, I was re-assigned and Sgt. Kirkland video my prayer. Yea, I'm confused for on Grievance 101534 and your appeal. Response States that a Sgt and video is not required. Please clarify.

Sincerely,

[Redacted]
ORRY P. KORB, County Counsel (S.B. #114399)  
MEGHAN F. LOISEL, Deputy County Counsel (S.B. #291400)  
OFFICE OF THE COUNTY COUNSEL  
70 West Hedding Street, East Wing, Ninth Floor  
San Jose, California 95110-1770  
Telephone: (408) 299-5900  
Facsimile: (408) 292-7240  
Attorneys for Defendant  
COUNTY OF SANTA CLARA  
(Erroneously sued as Santa Clara County  
Department of Corrections)  

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  

Plaintiff,  

v.  

SANTA CLARA COUNTY DEPARTMENT OF  
CORRECTIONS,  

Defendant.  

No.  

NOTICE OF DEFENDANT COUNTY OF  
SANTA CLARA'S GENERAL AND  
SPECIAL DEMURRER TO PLAINTIFF'S  
COMPLAINT  

Date: November 17, 2015  
Time: 9:00 a.m.  
Dept.: 21  
Judge: Honorable Joseph H. Huber  
Date of First Filing: September 2, 2015  

TO PRO PER PLAINTIFF SHARON HASSAN:  

PLEASE TAKE NOTICE that at 9:00 a.m. on November 17, 2015, or as soon thereafter as  
the matter may be heard in Department 21 of the above-entitled court, located at 191 North First  
Street in San Jose, California 95113, Defendant County of Santa Clara requests that this Court  
sustain its general and special demurrer to the Complaint filed by Plaintiff on the  
following grounds. Under Code of Civil Procedure section 430.10(e), the Complaint does not state  
facts sufficient to state a cause of action. And under Code of Civil Procedure section 430.10(f), the  
Complaint is uncertain.  

/ /  
/ /  
/ /  

Notice of Defendant County of Santa Clara’s General and Special Demurrer Plaintiff’s Complaint
This demurrer is based on this Notice of Demurrer, Demurrer, Memorandum of Points and Authorities, and all pleadings and files herein, and upon such other and further evidence as the Court may receive before or at the hearing on this matter.

Respectfully submitted,

Dated: October 14, 2015

ORRY P. KORB
County Counsel

By: MEGHAN LOISEL
Deputy County Counsel

Attorneys for Defendant
COUNTY OF SANTA CLARA

Notice of Defendant County of Santa Clara’s General and Special Demurrer Plaintiff’s Complaint
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PROOF OF SERVICE BY MAIL

v. Santa Clara Department of Corrections

I, Linda Ramos, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County’s business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the:

NOTICE OF DEFENDANT COUNTY OF SANTA CLARA’S GENERAL AND SPECIAL DEMURRER TO PLAINIFF’S COMPLAINT

by placing said copy in an envelope addressed to:

PPM / [Redacted]
Santa Clara County Department of Corrections
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on October 14, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United State mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on October 14, 2015, at San Jose, California.

[Signature]

Linda Ramos
Defendant County of Santa Clara (erroneously sued as Santa Clara County Department of Corrections) demurs to Plaintiff Complaint, and each and every purported cause of action alleged therein, on the following grounds:

1. Defendant County of Santa Clara generally demurs to the Complaint because the sole cause of action for general negligence fails under Code of Civil Procedure section 430.10(e) because he does not state facts sufficient to constitute a cause of action.
2. Defendant County of Santa Clara specially demurs to the Complaint because each and every cause of action fails under Code of Civil Procedure section 430.10(f) because the complaint is uncertain.

Respectfully submitted,

Dated: October 14, 2015

ORRY P. KORB
County Counsel

By: MEGHAN F. LOISEL
Deputy County Counsel

Attorneys for Defendant
COUNTY OF SANTA CLARA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PROOF OF SERVICE BY MAIL

v. Santa Clara Department of Corrections

I, Linda Ramos, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the:

DEFENDANT COUNTY OF SANTA CLARA'S GENERAL AND SPECIAL DEMURRER TO PLAINTIFF'S COMPLAINT

by placing said copy in an envelope addressed to:

PFM / [redacted]
Santa Clara County Department of Corrections
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on October 14, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on October 14, 2015, at San Jose, California.

Linda Ramos

Proof of Service by Mail
Plaintiff,  
v.  
SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS,  
Defendant.  

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT COUNTY OF SANTA CLARA'S GENERAL AND SPECIAL DEMURRER TO PLAINTIFF'S COMPLAINT

Date: November 17, 2015  
Time: 9:00 a.m.  
Dept.: 21  
Judge: Honorable Joseph H. Huber  
Date of First Filing: September 2, 2015

I. INTRODUCTION

Plaintiff [Redacted] brings a single cause of action against the County of Santa Clara (erroneously sued as Santa Clara Department of Corrections)\(^1\) for negligence. The County generally demurs on the ground that the Complaint does not state facts sufficient to constitute a cause of action because the Government Claims Act bars this cause of action. (Code Civ. Proc., § 430.10(e).) And the County specially demurs to the Complaint on the grounds that it is uncertain. (Code Civ. Proc., § 430.10(f).)

\(^1\) County subdivisions have no separate liability from the County and any legal action must be filed against the County. (See Bauer v. County of Ventura (1955) 45 Cal.2d 276, 288.)

Memo. of Ps & As ISO Defendant County of Santa Clara's General and Special Demurrer
II.

FACTS

Plaintiff used Judicial Council Form PLD-PI-001 for the Complaint and attached PLD-PI-001(2), the cause of action alleging general negligence. [Redacted] describes his suit as “a condition[s] of confinement suit which violates California Code of Regulations.” (Complaint, PLD-PI-001(2).) He alleges that the County violated California Building Code, California Code of Regulations, Title 24, Part 2, Section 1231 by housing inmates in overcrowded cells that contain mold. (Ibid.) He also alleges that County retaliated against him by not providing copies of unrestricted policies and procedures. (Ibid.) And he alleges that he has not been assigned to a residential treatment program because he has engaged in civil rights litigation. (Ibid.)

III.

ARGUMENT

A. THE COUNTY’S GENERAL DEMURRER SHOULD BE SUSTAINED BECAUSE PLAINTIFF HAS FAILED TO PLEAD A CAUSE OF ACTION.

1. Standard Applicable to General Demurrers.


//

//

Memo. of Ps & As ISO Defendant County of Santa Clara’s General and Special Demurrer
2. Because the County is Immune from General Negligence Claims, the Demurrer to

Single Cause of Action Must Be Sustained.

Public entity liability is governed by statute. (Gov. Code, § 815.) The Government Claims
Act, Government Code sections 810, et seq., abolished all common law and judicially-devised

government liability. (Ibid.) Section 815(a) limits government liability by providing that “[a] public
entity is not liable for an injury, whether such injury arises out of an act or omission of the public
entity or a public employee or any other person,” unless a statute specifically provides for liability.
This statutory limitation on government liability is well established in case law. (See Guzman v.
County of Monterey (2009) 46 Cal.4th 887, 897; Miklosy v. Regents of Univ. of California (2008) 44
sovereign immunity in the state except as provided in the Tort Claims Act or other statutes.”);
Williams v. Horvath (1976) 16 Cal.3d 834, 838-39 [The “intent of the act is . . . to confine potential
governmental liability to rigidly delineated circumstances.”].)

There is no statutory basis for common law negligence claim. (See e.g., Dina v.
People ex rel. Dept. of Transp. (2007) 151 Cal.App.4th 1029, 1053 [finding that negligence claims
against a public entity must be based on a statute].) And the Board of State and Community
Corrections’ minimum standards for detention facilities are not mandatory. (See Minimum
Standards for Local Detention Facilities, Title 24, Part 1, Section 13-102(b); Complaint, Ex. 9.)
Because there is no statutory basis for liability, the Government Claims Act bars Complaint,
and the Court should sustain the County’s general demurrer.

B. THE COUNTY’S SPECIAL DEMURRER SHOULD BE SUSTAINED BECAUSE THE COMPLAINT IS UNCERTAIN.

A defendant may challenge an “uncertain” complaint by special demurrer. (Code Civ. Pro., §
430.10(f.) The term “uncertain” includes “ambiguous and unintelligible.” (Ibid.) A demurrer for
uncertainty should be sustained when the complaint is drafted in a manner such that the defendant
cannot reasonably respond, e.g., the defendant cannot determine what issues must be admitted or
denied, or what causes of action are stated against the defendant. (Khoury v. Maly’s of California,
clearly labels his cause of action as "general negligence." (Complaint, PLD-PI-001(2).) However, his allegations appear to be unrelated to a general negligence cause of action. Specifically, he alleges that the "conditions of confinement" in the main jail violate his "civil rights" and that the County has retaliated against him for his litigation of civil rights claims in federal court. (Ibid.) It is ambiguous whether [redacted] intends these allegations to establish a civil rights claim under federal or state law, or whether he offers them as support for his general negligence cause of action. To the extent that [redacted] intends to plead a cause of action other than general negligence, the Complaint is too uncertain for the County to prepare an answer or general demurrer. Therefore, the Court should grant the County's special demurrer to each and every cause of action contained in the Complaint.

IV.

CONCLUSION

The County's demurrer to the Complaint should be sustained because: (1) the Government Claims Act bars [redacted] general negligence cause of action; and (2) the Complaint is uncertain and does not give the County sufficient notice of Plaintiff's claims.

Respectfully submitted,

Dated: October 14, 2015

ORRY P. KORB
County Counsel

By: [Signature]
MEGHAN F. LOISEL
Deputy County Counsel
Attorneys for Defendant
COUNTY OF SANTA CLARA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PROOF OF SERVICE BY MAIL

v. Santa Clara Department of Corrections

I, Linda Ramos, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County’s business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the:

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT COUNTY OF SANTA CLARA’S GENERAL AND SPECIAL DEMURRER TO PLAINTIFF’S COMPLAINT

by placing said copy in an envelope addressed to:

PMF / __________
Santa Clara County Department of Corrections
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on October 14, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on October 14, 2015, at San Jose, California.

Linda Ramos

Proof of Service by Mail
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

[PROPOSED] ORDER

Plaintiff,

v.

SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS,

Defendant.

Defendant County of Santa Clara’s (erroneously sued as Santa Clara County Department of Corrections) general and special demurrer to Plaintiff Complaint was heard on November 17, 2015 in Department 21 by the Honorable Joseph H. Huber. Counsel for Defendant County of Santa Clara and Pro Se Plaintiff appeared. The Court, having considered the moving papers, the opposition thereto, and the arguments made by Defendant’s counsel and Plaintiff, and good cause appearing, therefore:

IT IS ORDERED:

1. Defendant’s general demurrer to Plaintiff’s sole cause of action for general negligence is SUSTAINED without leave to amend.

//

//

//
2. Defendant's special demurrer to each and every cause of action is SUSTAINED without leave to amend.

Dated: __________________________

HONORABLE JOSEPH H. HUBER
Judge of the Superior Court
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PROOF OF SERVICE BY MAIL

v. Santa Clara Department of Corrections

I, Linda Ramos, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County’s business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the:

[PROPOSED] ORDER

by placing said copy in an envelope addressed to:

PPM / [$15] Santa Clara County Department of Corrections
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on October 14, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on October 14, 2015, at San Jose, California.

Linda Ramos
April 6, 2015

Dear Mr. [Redacted]:

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated February 19, 2015, March 5, 2015 and March 15, 2015 in which you complain about denial of access to services during your current incarceration at the Santa Clara Main Jail.

Your letter dated February 19, 2015 stated that the jail facility is out of compliance with not having enough wash-basins, toilets and does not provide hot, cold or tempered water as require by Title 24, Part 2 Section 1231. Your letters dated March 5 & 15, 2015 refer to your civil liberties are being violated.

I must inform you that the BSCC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSCC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff of the county or designated facility administrator has the ultimate authority to mandate compliance.

Regarding the Title 24, Part 2 Section 1231, Sgt. Liddle stated that they were unaware of this issue and he will have the building maintenance crew look into it. Regarding your last two letters, we suggest that you continue to utilize the grievance procedures in place at the jail to bring issues such as this to the attention of facility management and allow them the opportunity to address your concerns. You may also consult with your attorney of records.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

[Signature]

Michael Bush
Facilities Standards and Operations Division

cc: Eric Liddle, Sergeant, Santa Clara County Sheriff's Department.
September 10, 2015

PFM/DM
Santa Clara County Department of Corrections
150 West Hedding Street
San Jose, California 95110-1718

ESA Claim No.: [REDACTED]
Board of Supervisors No.: [REDACTED]

Dear Mr. [REDACTED]:

NOTICE OF RETURN WITHOUT ACTION

The claim you presented to the County of Santa Clara on August 18, 2015, is being returned as to all allegations pertaining to events or occurrences before February 18, 2015 because the claim as to those allegations was not presented within six months after the event or occurrence as required by law. (See Government Code sections 901 and 911.2). Because the claim was not presented within the time allowed by law, no action was taken on the claim as to all allegations pertaining to events or occurrences before February 18, 2015.

Your only recourse at this time is to apply without delay to the County of Santa Clara for leave to present a late claim as to all allegations pertaining to events or occurrences before February 18, 2015. (See Government Code sections 911.4 to 912.2, inclusive, and section 946.6). Under some circumstances, leave to present a late claim will be granted. (See Government Code section 911.6).

NOTICE OF REJECTION OF CLAIM

The claim you presented to the County of Santa Clara on August 18, 2015 was rejected as to all allegations pertaining to events or occurrences on or after February 18, 2015. As to all allegations pertaining to events or occurrences before February 18, 2015, the claim has been returned without action.
WARNING

Subject to certain exceptions, you have only six (6) months from the date this Notice of Rejection of Claim was personally delivered or deposited in the mail to file a court action on the rejected claim. (See Government Code section 945.6). This time limitation applies only to causes of action for which Government Code sections 900 to 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the County will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

ORRY P. KORB
County Counsel

MELISSA R. KINJAYALOCTS
Deputy County Counsel

MRK:tl
c: Al Rubens, ESA Claims Manager
    Ted Althausen, ESA Claims Adjuster
I, Tam Lobach, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County’s business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the NOTICE OF RETURN WITHOUT ACTION & NOTICE OF REJECTION OF CLAIM by placing said copy in an envelope addressed to:

[redacted]
Santa Clara County Department of Corrections
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on September 11, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on September 11, 2015, at San Jose, California.

[Signature]

Tam Lobach
SUMMONS
(CITACION JUDICIAL)
NOTICE TO DEFENDANT: Santa Clara County Department of Corrections
(AVISÓ AL DEMANDADO):
YOU ARE BEING SUED BY PLAINTIFF: [Redacted]
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courts.info/ca/prose/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawaidcalifornia.org), the California Courts Online Self-Help Center (www.courts.info/ca/prose/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for enforced fees and costs on any settlement or acclamation award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su veredicto. Lee la información a continuación.

Tiene 30 DÍAS DE CADUCIDAD después de que le entregue esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una copia o una llamada telefónica no la protegen. Su respuesta por escrito tiene que ser en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sccourts.ca.gov), en la biblioteca de leyes de su condado o en la corte que se le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar sus rentas, bienes y bienes finales sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión de abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de asistencia legal sin fines de lucro. Puede encontrar estas grupos sin fines de lucro en el sitio web de California Legal Services (www.lawaidcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sccourts.ca.gov) o póngase en contacto con la corte o el abogado de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos asociados por imponer un gravamen sobre cualquier recuperación de $10,000 o más de valor recibida mediante un recibo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda descartar el caso.

The name and address of the court is:
Superior Court—Santa Clara—Cantu
111 N. First St.
San Jose, CA 95113

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
David H. Yamashaki
Chief Executive Officer, Clerk
Santa Clara O.C.C. Fram 11- 150 W. Amsden St., 5th Floor San Jose, CA 95118

DATE: (Fecha): 9/21/15

[Redacted]

For proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, POS-010).

NOTICE TO THE PERSON SERVED: You are served
1. as an individual defendant:
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
   under: CCP 416.10 (corporation)
   CCP 416.20 (defunct corporation)
   CCP 416.40 (association or partnership)
   other (specify):
4. by personal delivery on (date):

Form Adopted for Mandatory Use by
Judicial Council of California
SUM-100 Rev. 7/1/2012

SUMMONS
Code of Civil Procedure §§ 413.25, 416
www.sccourts.ca.gov
American LegalNet, Inc.
www.legalnetinc.com
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, telephone number, and address):  

TELEPHONE NO:  

FAX NO: (if any)  

E-MAIL ADDRESS (if any):  

ATTORNEY FOR (Name):  

SUPERIOR COURT OF CALIFORNIA, COUNTY OF  

STREET ADDRESS: 191 N 1ST ST  
MAILING ADDRESS:  
CITY AND ZIP CODE: SAN JOSE 95113  
BRANCH NAME: Civil Division  

CLAIMANT/DEFENDANT:  

DOS 1 TO  

COMPLAINT—Personal Injury, Property Damage, Wrongful Death  

AMENDED (Number):  

☐ MOTOR VEHICLE ☐ OTHER (specify):  

☐ Property Damage ☐ Wrongful Death  

☐ Personal Injury ☐ Other Damages (specify):  

Jurisdiction (check all that apply):  

☐ ACTION IS A LIMITED CIVIL CASE  

Amount demanded ☐ does not exceed $10,000  

☐ exceeds $10,000, but does not exceed $25,000  

☐ ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)  

☐ ACTION IS RECLASSIFIED by this amended complaint  

☐ from limited to unlimited  

☐ from unlimited to limited  

CASE NUMBER:  

1. Plaintiff (name or names):  

alleges causes of action against defendant (name or names):  

2. This pleading, including attachments and exhibits, consists of the following number of pages: 1.  

3. Each plaintiff named above is a competent adult  

☐ except plaintiff (name):  

☐ a corporation qualified to do business in California  

☐ an unincorporated entity (describe):  

☐ a public entity (describe):  

☐ a minor ☐ an adult  

☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed  

☐ other (specify):  

☐ other (specify):  

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.  

Page 1 of 3  

From Approved for Optional Use  
Judicial Council of California  
PLD-PI-201 (Rev. January 1, 2007)  

COMPLAINT—Personal Injury, Property Damage, Wrongful Death  

Code of Civil Procedure, § 425.12  
www.courtforms.com  
www.SacJUDI.com  
www.niccu.com
10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
   a. [ ] Motor Vehicle
   b. [ ] General Negligence
   c. [ ] Intentional Tort
   d. [ ] Products Liability
   e. [ ] Premises Liability
   f. [ ] Other (specify):

11. Plaintiff has suffered
   a. [ ] wage loss
   b. [ ] loss of use of property
   c. [ ] hospital and medical expenses
   d. [ ] general damage
   e. [ ] property damage
   f. [ ] loss of earning capacity
   g. [ ] other damage (specify): MEDICAL AND EMOTIONAL DAMAGES

12. [ ] The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
   a. [ ] listed in Attachment 12.
   b. [ ] as follows:

13. The relief sought in this complaint is within the jurisdiction of this court. [ ]

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
   a. (1) [ ] compensatory damages
      (2) [ ] punitive damages
      The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
      (1) [ ] according to proof
      (2) [ ] in the amount of: $ 50,000 As

15. [ ] The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 9/1/15

(TYPE OR PRINT NAME)

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
CAUSE OF ACTION—General Negligence

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): [Redacted] alleges that defendant (name): [Redacted] was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 9-14 to 12-14 E. 6-15 to 8-15

at (place): [Redacted]

(description of reasons for liability): [Redacted] has violated and conducts to violate California Building Code, California Code of Regulations Title 18, Division 1, Section 1821 Minimum Standards for Adult Detention Facilities, Board of State and Community Corrections. Maximum of 70 percent bed in single- and multi-cell sections. Overcrowding. Shall provide at least 80 percent of total area to single private inmates and contact times and securing to accommodate the maximum number of inmates. Section 866.50. [Redacted] is not in compliance with these standards, held in a violent, overcrowded conditions which has precipitated a condition of violence. As a result, officials state that because the jail was built in 1978 it does not have to meet those standards. Does that apply now? The jail has civil rights issues. This case is 1974? I've exhausted my administrative avenues.

The FRA Section 866.50. [Redacted] is not in compliance with these standards, held in a violent, overcrowded conditions which has precipitated a condition of violence. As a result, officials state that because the jail was built in 1978 it does not have to meet those standards. Does that apply now? The jail has civil rights issues. This case is 1974? I've exhausted my administrative avenues.

The person is true and correct to the best of my knowledge signed under penalty of perjury on this day of 8-31-15

[Redacted]

[Signature]
Type 4 facility means a local detention facility used for the temporary placement of persons pending criminal proceedings for a term not more than 90 days, including transfer, after booking. Such a Type 4 facility may also detain persons on community after bail until a court meaningful or interim detention in an impound or as an honest violence, and only those persons committed to the county, jail, or local county detention center for the county in which the facility is located. The facility must be substantially built on the site of a county, jail, or local county detention center for the county in which the facility is located. The facility must be substantially built on the site of a county, jail, or local county detention center for the county in which the facility is located. The facility must be substantially built on the site of a county, jail, or local county detention center for the county in which the facility is located.

TEPP II FACILITY means a local detention facility used for the detention of persons pending criminal proceedings, after arraignment, during trial and upon a sentence of imprisonment.

TEPP III FACILITY means a local detention facility used only for the detention of convicted and sentenced persons.

TEPP IV FACILITY means a local detention facility or portion thereof designed for the housing of county, jails, under Penal Code Section 1208, for the incarceration of those sentenced to the county jail or county jail facility.

PENAL CAPACITY means the number of persons committed to the county jail or county jail facility or persons sentenced to the county jail or county jail facility or the capacity of the county jail or county jail facility.

3.7 Design criteria for required spaces:

3.7.1.2 Reception and booking facilities where booking and housing occur shall have the following spaces and equipment:

1. Waiting area as specified in Section 3.7.1.3.1.
2. Call or view for the confinement of persons pending their booking, complying with Section 3.7.1.2.2.
3. A holding cell as specified in Section 3.7.1.3.4.1.
4. A waiting area as specified in Section 3.7.1.3.4.2.
5. A waiting area as specified in Section 3.7.1.3.4.3.
6. A waiting area as specified in Section 3.7.1.3.4.4.
7. A waiting area as specified in Section 3.7.1.3.4.5.
8. A waiting area as specified in Section 3.7.1.3.4.6.
9. A waiting area as specified in Section 3.7.1.3.4.7.
10. A waiting area as specified in Section 3.7.1.3.4.8.
11. A waiting area as specified in Section 3.7.1.3.4.9.
12. A waiting area as specified in Section 3.7.1.3.4.10.
13. A waiting area as specified in Section 3.7.1.3.4.11.
14. A waiting area as specified in Section 3.7.1.3.4.12.
15. A waiting area as specified in Section 3.7.1.3.4.13.
16. A waiting area as specified in Section 3.7.1.3.4.14.
17. A waiting area as specified in Section 3.7.1.3.4.15.
18. A waiting area as specified in Section 3.7.1.3.4.16.
19. A waiting area as specified in Section 3.7.1.3.4.17.
20. A waiting area as specified in Section 3.7.1.3.4.18.
21. A waiting area as specified in Section 3.7.1.3.4.19.
22. A waiting area as specified in Section 3.7.1.3.4.20.
23. A waiting area as specified in Section 3.7.1.3.4.21.
24. A waiting area as specified in Section 3.7.1.3.4.22.
25. A waiting area as specified in Section 3.7.1.3.4.23.
26. A waiting area as specified in Section 3.7.1.3.4.24.
27. A waiting area as specified in Section 3.7.1.3.4.25.
28. A waiting area as specified in Section 3.7.1.3.4.26.
29. A waiting area as specified in Section 3.7.1.3.4.27.
30. A waiting area as specified in Section 3.7.1.3.4.28.
31. A waiting area as specified in Section 3.7.1.3.4.29.
32. A waiting area as specified in Section 3.7.1.3.4.30.
33. A waiting area as specified in Section 3.7.1.3.4.31.
34. A waiting area as specified in Section 3.7.1.3.4.32.
35. A waiting area as specified in Section 3.7.1.3.4.33.
36. A waiting area as specified in Section 3.7.1.3.4.34.
37. A waiting area as specified in Section 3.7.1.3.4.35.
38. A waiting area as specified in Section 3.7.1.3.4.36.
39. A waiting area as specified in Section 3.7.1.3.4.37.
40. A waiting area as specified in Section 3.7.1.3.4.38.
41. A waiting area as specified in Section 3.7.1.3.4.39.
42. A waiting area as specified in Section 3.7.1.3.4.40.
43. A waiting area as specified in Section 3.7.1.3.4.41.
44. A waiting area as specified in Section 3.7.1.3.4.42.
45. A waiting area as specified in Section 3.7.1.3.4.43.
46. A waiting area as specified in Section 3.7.1.3.4.44.
47. A waiting area as specified in Section 3.7.1.3.4.45.
48. A waiting area as specified in Section 3.7.1.3.4.46.
49. A waiting area as specified in Section 3.7.1.3.4.47.
50. A waiting area as specified in Section 3.7.1.3.4.48.
51. A waiting area as specified in Section 3.7.1.3.4.49.
52. A waiting area as specified in Section 3.7.1.3.4.50.
53. A waiting area as specified in Section 3.7.1.3.4.51.
54. A waiting area as specified in Section 3.7.1.3.4.52.
55. A waiting area as specified in Section 3.7.1.3.4.53.
56. A waiting area as specified in Section 3.7.1.3.4.54.
57. A waiting area as specified in Section 3.7.1.3.4.55.
58. A waiting area as specified in Section 3.7.1.3.4.56.
59. A waiting area as specified in Section 3.7.1.3.4.57.
60. A waiting area as specified in Section 3.7.1.3.4.58.
61. A waiting area as specified in Section 3.7.1.3.4.59.
62. A waiting area as specified in Section 3.7.1.3.4.60.
63. A waiting area as specified in Section 3.7.1.3.4.61.
64. A waiting area as specified in Section 3.7.1.3.4.62.
65. A waiting area as specified in Section 3.7.1.3.4.63.
66. A waiting area as specified in Section 3.7.1.3.4.64.
67. A waiting area as specified in Section 3.7.1.3.4.65.
68. A waiting area as specified in Section 3.7.1.3.4.66.
69. A waiting area as specified in Section 3.7.1.3.4.67.
70. A waiting area as specified in Section 3.7.1.3.4.68.
71. A waiting area as specified in Section 3.7.1.3.4.69.
72. A waiting area as specified in Section 3.7.1.3.4.70.
73. A waiting area as specified in Section 3.7.1.3.4.71.
74. A waiting area as specified in Section 3.7.1.3.4.72.
75. A waiting area as specified in Section 3.7.1.3.4.73.
76. A waiting area as specified in Section 3.7.1.3.4.74.
77. A waiting area as specified in Section 3.7.1.3.4.75.
78. A waiting area as specified in Section 3.7.1.3.4.76.
79. A waiting area as specified in Section 3.7.1.3.4.77.
80. A waiting area as specified in Section 3.7.1.3.4.78.
This letter is an appeal for denied grievance # 101491 regarding California Code of Regulations, Title 24, Section 1231.2.8-9 which states that there shall be a minimum of 70 square feet for double bed units and contain table and seating to accommodate the maximum number of Inmates. 2-4 West is 380 sq ft with 10 beds. The minimum shall be 840 sq ft which is 70 x 12. There is only 4 seats which indicate that only 4 inmates shall be housed in 2-4 West. Over-crowded conditions is affecting my mental health condition of anxiety and panic attacks due to the crowded conditions.

The foregoing is true and correct to the best of my knowledge, signed under penalty of perjury on 7-11-15.
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC! (a) Section 1231.28 states that there shall be a minimum of 70 sq ft. (b) Double bed units cannot include bathrooms to accommodate the minimum number of occupants. (c) Section 1231.13, 2-18 must be 300 sq ft, yet with 12 beds, the minimum shall be 720 sq ft with 12 beds to accommodate the number of inmates. (d) No resident is safe in 8' by 8' bed. (e) Are inmates' rights and abilities in medical health conditions.

WHAT SOLUTION ARE YOU RECOMMENDING? Reduce the number of inmates to prevent the spread of disease.

Your Signature

Received from Inmate on: Day: Wed Date: 7/18/15 Time: 12 NN/MH

RESPONDING OFFICER'S STATEMENT (Please print): Due to your [handwriting legible], officer [handwriting legible] on [handwriting legible], [handwriting legible] such that [handwriting legible] in [handwriting legible] at [handwriting legible].

Officer's Name: [handwriting legible]

SUPERVISOR'S ACTION: [handwriting legible]

Supervisor's Name: [handwriting legible]

SIGNATURE: [handwriting legible]

Response by: Title: [handwriting legible]

FACILITY COMMANDER/DESIGNER REVIEW: [handwriting legible]
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC: Requesting a Copy of SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS Policy and Procedure Sections 7.03, 7.13, 12.01, 12.03 & 12.31. These sections are understood and needed for Court Proceedings. These sections are not in the Santa Clara Inmate Orientation and Information, Title 15, and 48, Request be included. Sections 7.03 and 7.13 have been added via Legal Research and Inmate Request Form dated 6-24-15.

WHAT SOLUTION ARE YOU RECOMMENDING? Copy of above title and information:

Your Signature: [Redacted] Date: 7/16/15 Time: 10:00 PM

RESPONDING OFFICER'S STATEMENT (Please print): The above listed uncorrected policy are available in the unrestricted Policy and Procedures Manual. You have an email copy from your request showing your Progress and times.

[ ] Resolved [ ] Refer to Level II

Officer's Name: [Redacted] Date: 7/16/15

SUPERVISOR'S ACTION: You were notified the ability to obtain a copy of the above named request.

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [Redacted] Date: 7/8/15

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: Date: [Redacted] Time: [Redacted]

SUPPORT SERVICE RESPONSE: Unit Assigned: [Redacted] Date Assigned: [Redacted]

Response By: Title: [Redacted] Date: [Redacted] Time: [Redacted]

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

USED IN INMATE REQUEST FORM/LEGAL REQUEST FOR THESE:

SIGNATURE: [Redacted] Date: [Redacted] Time: [Redacted]
**INMATE'S NAME:** [REDACTED]

**DATE:** 6/10/15

**DEPARTMENT OF CORRECTION**

**TINMATE GRIEVANCE FORM**

**DETAILS OF GRIEVANCE:**

PRINT: BE SPECIFIC:

- Submitted a request for a copy of Santa Clara Dept of Correction Policy and Procedure, Section 12.01 and 12.02: medical and mental health which is understaffed. The response is false (see attached Exhibit: Request Form).

**WHAT SOLUTION ARE YOU RECOMMENDING?:** Copy of requested policy (#12.01 and 12.02)

**Your Signature:** [REDACTED]

**Signature:** [REDACTED]

**Date:** 6/10/15

**Time:** 9:00 AM/PM

---

**RESPONDING OFFICER’S STATEMENT (Please print):**

---

[ ] Resolved [ ] Refer to Level II

Officer's Name: [REDACTED]

Team: [REDACTED]

Date: 6/10/15

---

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [REDACTED]

Team: [REDACTED]

Date: 6/10/15

---

**SIGNATURE:**

**Date:** [REDACTED]

**Time:** [REDACTED]

**SUPPORT SERVICE RESPONSE:**

Unit Assigned: [REDACTED]

Date Assigned: 6/10/15

Date Due: [REDACTED]

Response by: [REDACTED]

Title: [REDACTED]

Date: 10/15/15

Time: 12:00 PM

---

**FACILITY COMMANDER/DELEGEE REVIEW:**

[ ] Concur [ ] Reversed

Date: 6/10/15

Time: [REDACTED]
INMATE REQUEST FORM

INMATE NAME: [Redacted]

DATE: 6-10-15

CEN [Redacted]

PFN: [Redacted]

HOUSING UNIT: 2N 48

1. CONTACT REQUEST: OUTSIDE AGENCY

[ ] DISTRICT ATTORNEY
[ ] PUBLIC DEFENDER
[ ] ADULT PROBATION
[ ] STATE PAROLE
[ ] OTHER

SPECIFY:

NATURE OF REQUEST:

2. CONTACT/INFORMATION: INSIDE FACILITY

CLASSIFICATION SECTION

[ ] REHOUSING
[ ] TRUSTEE
[ ] RECLASS.
[ ] WWP
[ ] PSP

INMATE SERVICE DIRECTOR

[ ] COMMISSARY
[ ] MONEY ACCOUNT
[ ] MAIL
[ ] LOST PROPERTY
[ ] LOST CLOTHING

PROGRAMS DIRECTOR

[ ] LAW LIBRARY
[ ] A.A.
[ ] FRIENDS OUTSIDE
[ ] NEXT COURT DATE

ADMINISTRATIVE BOOKING

[ ] RELEASE DATE
[ ] CHARGES
[ ] BAIL
[ ] OTHER: SPECIFY BELOW

OTHER

[ ] CHAPLAIN
[ ] FOOD SERVICE
[ ] BAIL BONDS

NATURE OF REQUEST:

Copy of Sub-Section A, Section 10 and paragraph 6(b) (Section 10.2(e) - Medical and Dental Health, unclassified

3. ACTION TAKEN/RESPONSE

[ ] RESPONSE BELOW
[ ] REQUEST FORWARDED OUTSIDE FACILITY
[ ] REQUEST DENIED SEE EXPLANATION
[ ] CANNOT BE ACTED ON AT THIS TIME

PREVIOUS REQUEST IN PROGRESS

EXPLANATION/RESPONSE:

[Handwritten]

OFFICER SIGNATURE:

BADGE #

DATE
time
April 6, 2015

Mr. [Redacted] PFN [Redacted]
Santa Clara DOC Main Jail
150 West Hedding Street
San Jose, CA 95110-1718

Dear Mr. [Redacted],

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated February 19, 2015, March 5, 2015 and March 18, 2015 in which you complain about denial of access to services during your current incarceration at the Santa Clara Main Jail.

Your letter dated February 19, 2015 stated that the jail facility is out of compliance with not having enough wash-basins, toilets and does not provide hot, cold or tempered water as require by Title 24, Part 2 Section 1231. Your letters dated March 5 & 15, 2015 refer to your civil liberties are being violated.

I must inform you that the BSCC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSCC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff of the county or designated facility administrator has the ultimate authority to mandate compliance.

Regarding the Title 24, Part 2 Section 1231, Sgt. Liddle stated that they were unaware of this issue and he will have the building maintenance crew look into it. Regarding your last two letters, we suggest that you to continue to utilize the grievance procedure in place at the jail to bring issues such as this to the attention of facility management and allow them the opportunity to address your concerns. You may also or your attorney of records.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

Michael Bush
Facilities Standards and Operations Division

cc: Eric Liddle, Sergeant, Santa Clara County Sheriff's Department.
July 17, 2015

Mr. [Redacted]
CEN# [Redacted] / PFN [Redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear [Redacted]

I received your letter dated July 11, 2015, appealing the response to Grievance #101481. The Board of State and Community Corrections has recently visited our facility, and all housing units were found to be in compliance with Title 15 and Title 24 standards.

I have noted that you believe your housing situation is affecting your mental health. Thank you for bringing this to my attention; I am submitting a referral to Mental Health in order to address this issue.

Sincerely,

[Signature]
Captain Hoyt
Main Jail Division Commander

BH:evv

cc: Administrative / Compliance Sergeant
    Mental Health Supervisor
Superior Court of California
County of Santa Clara
RE: Civil Grand Jury
191 W. Plano Street
San Jose, CA 95113

DATE: 7-7-15

RE: Civil Rights Violations in Santa Clara Co. Jail

Grand Jury,

I'm requesting a formal investigation into Civil Rights violations. I, [redacted], have been violated in the following:

1) Failure to Avoid Excessive Use of Force. When the Department had sufficient information that persons had a deadly weapon, the officers used

2) Retaliatory Discipline for seeking redress of grievances.

3) Constructive Punishment for exercising my 1st Amendment Right to Petition Government for Redress of Grievances.

4) Placement in Over-Crowded Conditions and Violation of Minimum State Building Code Regulations at 50 Square Feet of Living Space Per Person.

Example: 14 x 70 feet is 980 square feet
per block = 10 beds

\[
\frac{140}{10} = 14 \\
\frac{70}{10} = 7 \\
\frac{980}{100} = 9.8
\]

Please investigate.
5) With a combined back problem, medical has been deliberately indifferent to alleviate daily pain. Therapy, motors and volumen has been inadequate to alleviate my pain.

6) Deliberate response to legitimate request for copies of policy and procedures for court proceedings.

7) Delayed liberty interest and participation in custodial alternative program. I believe I was completed for a custody plan program and I'm eligible for residential treatment since May 2015.

8) I've exhausted all available administrative avenues which only has lead to denial of any relief.

Therefore, I pray that the Civil Grand Jury investigate these claims and I declare under penalty of perjury that the following is true to the best of my knowledge.

Signed on 7-7-15

[Redacted]
1. Check one box below for the case type that best describes this case:

Auto Tort  [ ] Breach of contract/warranty (06)

Uninsured motorists (46)

Other PP/DW/D (Personal Injury/Property Damage/Wrongful Death) Tort  [ ] Other collections (09)

Asbestos (04)

Medical malpractice (45)

Other PP/DW/D (23)

Business tort/unfair business practice (07)

CIVIL CASE COVER SHEET

Complex Case Designation

Unlimited [ ] Counter [ ] Joinder

Amount demanded (25,000) exceeds $25,000

Filing for a case with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Defendants filing own appearance (Cal. Rules of Court, rule 3.400-3.403)

Providentially Complex Civil Litigation

Antitrust/Trade regulation (03)

Construction defect (10)

Mass tort (40)

Securities Litigation (28)

Environmental/Tax/defect tort (50)

Insurance coverage claim arising from the above listed provisionally complete case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)

Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)

Other petition (not specified above) (43)

2. This case is ☐ not ☑ complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

☐ a. Large number of separately represented parties

☐ b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve

☐ c. Substantial amount of documentary evidence

☐ d. Large number of witnesses

☐ e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

☐ f. Substantial postjudgment judicial supervision

☐ 3. Remedies sought (check all that apply): ☐ monitory ☐ nonmonitory; declaratory or injunctive relief ☐ punitive

4. Number of causes of action (specify):

5. This case is ☐ not ☑ a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 9-1-15

[Redacted]

[Signature of Party, or party's attorney]

NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 or seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

If this is a class action case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.
### PROOF OF SERVICE OF SUMMONS

(Initial proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:
   a. ☑️ summons
   b. ☑️ complaint
   c. ☑️ Alternative Dispute Resolution (ADR) package
   d. ☑️ Civil Case Cover Sheet (served in complex cases only)
   e. ☑️ cross-complaint
   f. ☑️ other (specify documents):
      
3. a. Party served (specify name of party as shown on documents served): Santa Clara Dist. of Collections - ANON. CUSTODIAN OF RECORDS - 150 WEST MICHIGAN ST - SAN JOSE, CA 95113
   
   b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served:

5. I served the party (check proper box)
   a. ☐ by personal service, I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): __________________; (2) at (time): __________________.
   b. ☑️ by substituted service. On (date): __________________; at (time): __________________; I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
      
      1. ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
      2. ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
      3. ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
      4. ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.22). I mailed the documents on (date): __________________; from (city): __________________; or ☐ a declaration of mailing is attached.
      5. ☑️ I attach a declaration of diligence stating actions taken first to attempt personal service.
Order on Court Fee Waiver (Superior Court)

Person who asked the court to waive court fees:
Name: [Redacted]
Street or mailing address: 150 W. Hasting St.
City: San Jose, State: CA, Zip: 95110-1718

Lawyer, if person in (1) has one (name, address, phone number, e-mail, and State Bar number):

A request to waive court fees was filed on (date):
☐ The court made a previous fee waiver order in this case on (date): 12/14

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for $10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

After reviewing your (check one): ☐ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees

☐ The court grants your request, as follows:

1. ☐ Fee Waiver. The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rule 3.53.) You do not have to pay the court fees for the following:
   - Filing papers in Superior Court
   - Giving notice and certificates
   - Making copies and certifying copies
   - Sending papers to another court department
   - Court-appointed interpreter in small claims court
   - Reporter’s daily fee (for up to 60 days following the fee waiver order)
   - Preparing and certifying the clerk’s transcript on appeal
   - Court fees for phone hearings

2. ☐ Additional Fee Waiver. The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.
   - Jury fees and expenses
   - Fees for a peace officer to testify in court
   - Fees for court-appointed experts
   - Court-appointed interpreter fees for a witness
   - Reporter’s daily fees (beyond the 60-day period following the fee waiver order)
   - Other (specify):

3. ☐ Fee Waiver for Appeal. The court grants your request and waives the fees and costs checked below, for your appeal. (Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.) You do not have to pay for the checked items.
   - Preparing and certifying clerk’s transcript for appeal
   - Other (specify):
SUMMONS
(CITACION JUDICIAL)
NOTICE TO DEFENDANT:Santa Clara Cty. of California
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.
You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There is a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.
There are other legal requirements. You may want to tell an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.legalaidcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for wages, support payments, and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

The name and address of the court is:
Santa Clara Cty. - Civil Div. - Courthouse
1101 E. Felt St.
San Jose, CA 95113

DATE: 9/21/15

David H. Yanasaki
Chief Executive Officer, Clerk (Secretary)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served
1. as an individual defendant;
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
   under: CCP 416.10 (corporation)
   CCP 419.20 (defunct corporation)
   CCP 416.40 (association or partnership)
   other (specify):
4. by personal delivery on (date):

Code of Civil Procedure §§ 411.20, 415.10
www.courts.ca.gov
Amston Legalnet, Inc.
www.Formfinder.com

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2003]
1. Plaintiff (name or names): [Redacted]

2. This pleading, including attachments and exhibits, consists of the following number of pages: 12.

3. Each plaintiff named above is a competent adult
   a. [Redacted] except plaintiff (name):
      (1) [Redacted] corporation qualified to do business in California
      (2) [Redacted] unincorporated entity (describe):
      (3) [Redacted] public entity (describe):
      (4) [Redacted] minor [Redacted] adult
         (a) [Redacted] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) [Redacted] other (specify):
      (5) [Redacted] other (specify):
   b. [Redacted] except plaintiff (name):
      (1) [Redacted] corporation qualified to do business in California
      (2) [Redacted] unincorporated entity (describe):
      (3) [Redacted] public entity (describe):
      (4) [Redacted] minor [Redacted] adult
         (a) [Redacted] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) [Redacted] other (specify):
      (5) [Redacted] other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.
10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
   a. ☐ Motor Vehicle
   b. ☒ General Negligence
   c. ☐ Intentional Tort
   d. ☐ Products Liability
   e. ☐ Premises Liability
   f. ☐ Other (specify):

11. Plaintiff has suffered
   a. ☐ wage loss
   b. ☐ loss of use of property
   c. ☐ hospital and medical expenses
   d. ☐ general damage
   e. ☐ property damage
   f. ☐ loss of earning capacity
   g. ☒ other damage (specify): Mental and Emotional Damage.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
   a. ☐ listed in Attachment 12.
   b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court. ☑

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
   a. (1) ☐ compensatory damages
      (2) ☐ punitive damages
   The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
   (1) ☐ according to proof
      (2) ☑ In the amount of: $ 56, 250 ☐

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Data: 9-1-15

(SIGNATURE OF PLAINTIFF OR ATTORNEY)
CAUSE OF ACTION—General Negligence

ATTACHMENT TO ☐ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): ☐

alleges that defendant (name): ☐

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff.

on (date): 7-14 to 12-14 & 6-15 to 8-15
at (place): ☐

(description of reasons for liability): ☐

CAUSE OF ACTION—General Negligence

Page 1

[Redacted]
SECTION 1231 (WSSC) LOCAL DETENTION

1231.1 Definitions.

BOARD OF STATE AND COMMUNITY CORRECTIONS
means the Board of State and Community Corrections, which meets by and through its executive officer, deputy director and field representatives.

LIVING UNITS means the various areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include emergency cells such as an isolation, safety and holding or staging areas normally located in receiving areas.

LOCAL DISTRIBUTION FACILITIES in any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whereby prisoners are being repaired or court holding facility used for the confinement of inmates of both sexes and minor, but does not include any portion of a building for the confinement of those inmates of both sexes and minor, and any portion of a building in which there is the confinement of inmates. The types of local detention facilities are defined as follows:

Court holding facility means a local detention facility contained within a court building after January 1, 1975, used for the confinement of persons for 72 hours or less pending release to another facility or appearance in court.

Temporary holding facility means a local detention facility constructed after January 1, 1975, used for the confinement of persons for 72 hours or less pending release to another facility or appearance in court.
TO: DIVISION COMMANDER

FROM: [Redacted]

DATE: 8/13/15

RE: Appeal Letter of [Redacted] 12.1666

This is in regard to [Redacted] written on 7/15/15. A complete mold and
standing water is present in the unit. The work has been
completed as stated, however, it still leaks from the toilet, sink, and
bathroom. The leak is not fixed. The toilet, sink, and bathtub
leak order K95-450 was not completed on 7/15. The
Deputy Cranford taking the appeal on 8/1-15 regarding
this issue.

Sincerely,

[Redacted]

[Redacted]

P.S. On 8-17-15, a man in a hood and [Redacted] knocked on the door and
asked for an [Redacted]. He left the appeal,
response, and an [Redacted] at the [Redacted].
Please clarify.
This letter is an appeal for denied grievance # 10149.1 regarding California Code of Regulations, Title 15, Section 1231.2.8.9 which states that there shall be a minimum of 70 square feet for double-bed units and certain table and seating to accommodate the maximum number of inmates. 21/4 West is 320 sq ft with 12 beds. The minimum shall be 840 sq ft which is 70 x 12. There is only 4 seats which indicate that only 4 inmates shall be housed in 21/4 West. Over-crowded conditions is affecting my mental health condition of anxiety and panic attacks due to the crowded conditions.

The foregoing is true and correct to the best of my knowledge, signed under penalty of perjury on 7-11-15.

[Signature]

Exhibit 3
DETAILS OF GRIEVANCE: PRINT! BE SPECIFIC!

Your Signature: [redacted]  Date: 7/18/15  Time: 10:00P.M.

Please print:

1. Your Name:

2. Your Institution:

3. Your Housing Unit:

4. Your Inmate Number:

5. The Issue:

6. The Date of Incident:

7. The Time of Incident:

8. The Staff Involved:

9. The Location:

10. The Nature of the Grievance:

11. The Resolution:

12. The Date Resolution:

13. The Time Resolution:

14. The Name of the Supervisor:

15. The Date of Supervisor's Action:

16. The Time of Supervisor's Action:

17. The Name of the Lieutenant:

18. The Date of Lieutenant's Review:

19. The Time of Lieutenant's Review:

20. The Name of the Support Service:

21. The DateAssigned:

22. The Time Assigned:

23. The Name of the Facility Commander:

24. The Date of Commander's Review:

25. The Time of Commander's Review:

26. The Title of the Designee:

27. The Date of Designee's Review:

28. The Time of Designee's Review:

29. The Name of the Recipient:

30. The Date of Concur:

31. The Time of Concur:

Signature of Recipient: [redacted]  Date: 7/18/15  Time: 10:00P.M.
INMATE GRIEVANCE FORM

INMATE'S NAME: [Redacted]
BOOKING NUMBER: [Redacted]
HOUSING UNIT: [Redacted]

DETAILS OF GRIEVANCE: PRINT! BE SPECIFIC:

WHAT SOLUTION ARE YOU RECOMMENDING?:

Your Signature: [Redacted]
Date: 7/16/15 Time: 10:34 PM

**************

RESPONDING OFFICER'S STATEMENT (Please print): "THE ABOVE LISTED UNRECORDED POLICIES ARE AVAILABLE IN THE UNRECORDED POLICY AND PROCEDURES manual."

LEVEL ONE

[ ] Resolved [ ] Refer to Level II

Officer's Name: [Redacted] Team: [Redacted] Date: 7/16/15

SUPERVISOR'S ACTION:

[ ] Refer to Level III

Supervisor's Name: [Redacted] Team: [Redacted] Date: 7/18/15

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [Redacted]

SUPPORT SERVICE RESPONSE: Unit Assigned: [Redacted] Date Assigned: [Redacted]
Date Due: [Redacted]

Response by: [Redacted] Title: [Redacted] Date: [Redacted] Time: [Redacted]

FACILITY COMMANDER/DISGEE REVIEW: [ ] Concur [ ] Reversed

USE AND WRITE ON BACK OF FORM/LABEL "REASON FOR HERE...

SIGNATURE: [Redacted] Date: 7/18/15 Time: 10:34 PM
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: On 6-10-15, I submitted a request for:

- A copy of Santa Clara County Department of Correction Policy and Procedures section 13.01 and 13.02
- Medical and mental health which is understated. The response is false, (see attached attached [text from form]).

WHAT SOLUTION ARE YOU RECOMMENDING?:

- A copy of correctional policies and procedures section 13.01 and 13.02

Your Signature: [redacted]

Date: 6/12/15
Time: 10:30 AM

Received from Inmate on:
Day: [redacted]
Date: 6/11/15
Time: 14:08
Officer: ROYAL
Team: B

RESPONDING OFFICER'S STATEMENT (Please print):

[ ] Resolved [ ] Refer to Level II

Officer's Name: ROYAL
Team: B
Date: 6/12/15

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor's Name:
Team: 
Date: 

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE:

Date: 
Time: 

SUPPORT SERVICE RESPONSE: Unit Assigned:
Date Assigned: 
Date Due:

[ ] The narrative in the Inmate Request Form is correct

Response by: [redacted]
Title: [redacted]
Date: 6/15/15
Time: 12:00

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

Date: 
Time: 

April 6, 2015

Mr. [Redacted]  [Redacted] PFI [Redacted]
Santa Clara DOC Main Jail
150 West Hedding Street
San Jose, CA 95110-1718

Dear Mr. [Redacted],

The Board of State and Community Corrections (BSCC) acknowledges receipt of your letters of complaint dated February 19, 2015, March 5, 2015 and March 15, 2015 in which you complain about denial of access to services during your current incarceration at the Santa Clara Main Jail.

Your letter dated February 19, 2015 stated that the jail facility is out of compliance with not having enough wash-basins, toilets and does not provide hot, cold or tempered water as required by Title 24, Part 2 Section 1231. Your letters dated March 5 & 15, 2015 refer to your civil liberties being violated.

I must inform you that the BSBC, among its various duties, is tasked with establishing and revising Minimum Standards for local adult and juvenile detention facilities in California. It also inspects those facilities for compliance with these standards and reports its findings to the State Legislature. The BSBC is not vested with enforcement powers to compel the local jurisdictions to comply with Minimum Standards, nor do we have the statutory authority to conduct independent investigations. The standards are not mandatory and compliance is voluntary. The Sheriff of the county or designated facility administrator has the ultimate authority to mandate compliance.

Regarding the Title 24, Part 2 Section 1231, Sgt. Liddle stated that they were unaware of this issue and he will have the building maintenance crew look into it. Regarding your last two letters, we suggest that you continue to utilize the grievance procedure in place at the jail to bring issues such as this to the attention of facility management and allow them the opportunity to address your concerns. You may also contact your attorney or records.

A copy of this letter will remain on file at the BSCC for reference during the next inspection. By copy of this letter, we are also informing the Facility Manager of your complaint for any action deemed appropriate.

Sincerely,

Michael Bush
Facilities Standards and Operations Division

cc: Eric Liddle, Sergeant, Santa Clara County Sheriff's Department.
July 17, 2015

Mr. [Name Redacted]
CEN [Name Redacted] / PZN [Name Redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear Mr. [Name Redacted]:

I received your letter dated July 11, 2015, appealing the response to Grievance #101481. The Board of State and Community Corrections has recently visited our facility, and all housing units were found to be in compliance with Title 15 and Title 24 standards.

I have noted that you believe your housing situation is affecting your mental health. Thank you for bringing this to my attention; I am submitting a referral to Mental Health in order to address this issue.

Sincerely,

[Signature]
Captain Hoyt
Main Jail Division Commander

BH:evv

cc: Administrative / Compliance Sergeant
    Mental Health Supervisor
Re: Civil rights violations in Santa Clara County Jail

Grand Jury,

I'm requesting a formal investigation into civil rights violations. I, [redacted], a prisoner, have observed the rights that have been violated:

1. Failure to avoid co-injury of lower back when the Department used sufficient force against that prisoner疑似 a device placed under.

2. Rehabilitation discipline for seeking redress of grievances.

3. Continued arbitrary violation for exercising my 1st Amendment Right to petition government for redress of grievances.

4. Placement on overcrowded conditions and violation of minimal space. Building ratio. Requirements at 50 square feet of living space per inmate. To square feet of living space and double-bad occupancy.

Example: 24-14 west is roughly 300 square feet yet with 12 beds.

\[
\begin{align*}
\text{70.59 ft}^2 \\
\times 12/14 = 60 \text{ beds} \\
\frac{60}{8} &= 7.5 \text{ beds per room minimum}
\end{align*}
\]
5. With a confirmed placement in hand, make the order
6. Delivered properly, attended to immediately
7. Have confirmed, reviewed, and communicated to
8. I've exhausted all available administrative resources
9. Since May 2016, I've been engaged in this project
10. The project is now complete, with proceeds of proceedings,

PS. All legal documents will be disclosed to the head of the committee.
ATTORNEY FOR PARTY WITHOUT ATTORNEY (Name, State bar number, and address):

SANTA CLARA COUNTY SUPERIOR COURT
ATTORNEY FOR (Name):
STREET ADDRESS: 1911 1ST STREET
MAILING ADDRESS:
CITY AND ZIP CODE: SAN JOSE, CA 95118
TELEPHONE NO:
FAX NO:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

CM-010

FOR COURT USE ONLY

FILED
SEP 2, 2015

D. KAWASAKI
Superior Court of CA County of Santa Clara
Deputy

CIVIL CASE COVER SHEET

CASE NUMBER:

CASE NAME:

Complex Case Designation

Filed with first appearance by defendant

(Cal. Rules of Court, rule 3.402)

JUDGE:

DEPT:

1. Check one box below for the case type that best describes this case:

Auto Tort
Contract

Uninsured motorist (48)
Breach of contract/warranty (06)
Other PIP/DW/D Personal Injury/Property
Other collections (09)
Damage/Wrongful Death Tort
Insurance coverage (18)
Asbestos (04)
Other contract (37)
Product liability (24)
Real Property
Medical malpractice (45)
Eminent domain/Inverse condemnation (14)
Other PIP/DW/D (23)
Wrongful eviction (33)
Non-PIP/DW/D (Other) Tort
Other real property (25)
Business tort/unfair business practice (07)
Unlawful Detainer
Civil rights (06)
Commercial (31)
Defamation (13)
Residential (32)
Fraud (18)
Drug (33)
Intelectual property (19)
Judicial Review
Professional negligence (28)
Asset forfeiture (05)
Other non-PIP/DW/D tort (35)
Petition re: arbitration award (11)
Employment
Writ of mandate (02)
Wrongful termination (26)
Other employment (18)

2. This case [ ] is, [x] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [x] monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case [ ] is, [x] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case.

7-11-15

(SIGNATURE OF PARTY OR ATTORNEY Filing PARTY)

NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.
1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:
   a. ☑ summons
   b. ☑ complaint
   c. ☑ Alternative Dispute Resolution (ADR) package
   d. ☑ Civil Case Cover Sheet (served in complex cases only)
   e. ☑ cross-complaint
   f. ☑ other (specify documents):

3. a. Party served (specify name of party as shown on documents served): SANTA CLARA COUNTY SUPERIOR COURT

   b. ☑ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served:

5. I served the party (check proper box)
   a. ☑ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):

   (1) ☑ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.

   (2) ☑ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.

   (3) ☑ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.

   (4) ☑ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date):

   (5) ☑ I attach a declaration of diligence stating actions taken first to attempt personal service.

Part 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
POS-010 (Rev. January 1, 2007)

PROOF OF SERVICE OF SUMMONS

Code of Civil Procedure, § 417.10
American LegalForms, Inc. www.FormsWindoW.com
Order on Court Fee Waiver (Superior Court)

1. Person who asked the court to waive court fees:
   Name: [redacted]
   Street or mailing address: 150 West Valhalla St
   City: San Jose, State: CA Zip: 95110-1716

2. Lawyer, if person in (1) has one (name, address, phone number, e-mail, and State Bar number):
   N/A

3. A request to waive court fees was filed on (date): [redacted]
   The court made a previous fee waiver order in this case on (date): 12/14
   Read this form carefully. All checked boxes are court orders.

4. After reviewing your (check one): [redacted]
   - Request to Waive Court Fees
   - Request to Waive Additional Court Fees
   the court makes the following orders:

   a. [redacted]
      - The court grants your request, as follows:

      (1) Fee Waiver. The court grants your request and waives your court fees and costs listed below. (Cal. Rules of
          Court, rule 3.55.) You do not have to pay the court fees for the following:
          • Filing papers in Superior Court
          • Making copies and certifying copies
          • Sheriff’s fee to give notice
          • Reporter’s daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
          • Preparing and certifying the clerk’s transcript on appeal
          • Court fees for phone hearings

      (2) Additional Fee Waiver. The court grants your request and waives your additional superior court fees and
          costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.
          - Jury fees and expenses
          - Fees for court-appointed experts
          - Reporter’s daily fees (beyond the 60-day period following the fee waiver order)
          - Other (specify): [redacted]

      (3) Fee Waiver for Appeal. The court grants your request and waives the fees and costs checked below, for your
          appeal. (Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.) You do not have to pay for the checked items.
          • Preparing and certifying clerk’s transcript for appeal
          • Other (specify): [redacted]
The People of the State of California

Plaintiff / Respondent

vs

[Redacted]

Defendant / Petitioner

CASE NO.

DEFENDANT MOTION FOR RESENTENCING
NEW STATUTORY REMEDY PROPOSITION 47
PC 1170.126, 1170.18 Subd(e), People 140.13

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

Under Penal Code Section 1170.18 Subd (c) such a person may
petition for recall of sentence before the trial court that entered the
judgment of conviction in his or her case to request resentencing.

1170.18 Subdivision (b) specifies the procedure for a trial court to
follow upon receiving a petition under subdivision (a) if the trial
court finds that the petitioner satisfies the criteria in subdivision (c).
The petitioner's felony sentence shall be recalled and the petitioner re-
enced to a misdemeanor unless the court, in its discretion,
determines that resentencing the petitioner would pose an unreasonable
of danger to public safety.

Penal Code 1170.18 Subd (b) which is defined in Penal Code Section 1170.18
Subdivision (c) as an unreasonable risk that defendant will commit one of the
Super Strike offenses listed in Penal Code section 667, subdivision (d)(17)(A), in exercising its discretion, a court may consider all of the following: (1) the petitioners' conviction history, including type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes. The petitioners' disciplinary record and record of rehabilitation while incarcerated. Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.

Petitioner has completed 8 weeks incustody/ PPS treatment. Continued correspondence studies of Biblical Education degree - 80 units earned with a G.P.A. of 90%. Active personal reform Litigation regarding civil rights and condition of confinement case, member of the National Lawyers Guild - Jailhouse Lawyer. Petitioner is a B.199 and 1170(H) eligible, non-violent and no serious conviction history. Although Proposition 47 does not have an express saving clause, it did create Penal Code section 1170.18, which is functionally equivalent to a saving clause like the resentencing petition process created by the Reform Act. The resentencing petition process contained in Penal Code section 1170.18 subdivision (a) expressly applies to persons who are currently serving a sentence for a crime that would have a misdemeanor after the passage of Proposition 47. (Cf. Penal Code 1170, subd.(b); see People v. Warren, supra, 213 Cal. App. 4th pg. 173, 151 Cal. Rptr. 3d 401.)

By setting forth specific procedures as to those persons who were currently serving a sentence at the time the initiative took effect, Penal Code § 1170.18 subdivision (a) the electorate effectively and clearly demonstrated its intention that such persons follow those procedures.

(2)
Before being resentenced. (See People v. Superv. At 1, 1049, 36 Cal. Rptr. 2d 74, 884, Radd 1022. (See Voter Information Guide, Gen. Elec. Nov. 4 2014 Text of Prop. 47 13). Petitioner contends his position is supported by the voters stated intent to ensure that person sentencing is focused on violent and serious offenses and to maximize alternatives for non-serious non-violent crimes and to require misdeemeanors instead of felonies for non-violent, non-violent crimes like petty theft and drug possession. (See Voter Information Guide, Gen. Elec. Nov. 4, 2014 Text of Proposition 47 13).

By constraining Proposition 47 reduced penalty provisions as not retroactive, we are fulfilling the electorate's intent to ensure that a person previously sentenced as a felon may be resentenced to a misdemeanor only if he or she had no prior disqualifying convictions and for a person currently serving a sentence that the person's criminal history does not reflect potential dangerousness to public safety.

I respectfully request a hearing on this motion for petition of resentencing 1170, subdivision (e) compassionate release recommendation appealable as an order made after judgment affecting the accused substantial rights. (See Superior Court 2014 10 Cal. 4th 595, 598, 601, 179 Cal. Rptr. 3d 305, 336, P.3d 686) (Denial of post judgment & 1170, 126 sentence recall petition is appealable).

The person is true and correct to the best of my knowledge signed under penalty of perjury on this day of 10-20-15.
PETITION FOR WRIT OF HABEAS CORPUS

No. ____________________________

TO BE SUPPLIED BY THE CLERK OF THE COURT

INSTRUCTIONS--READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are not represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.
This petition concerns:

☐ A conviction  ☐ Parole
☐ A sentence  ☐ Credits
☐ Jail or prison conditions  ☐ Prison discipline
☐ Other (specify):

1. Your name: [Redacted]

2. Where are you incarcerated? [Redacted] State Dept of Corrections - Main Jail

3. Why are you in custody? ☑ Criminal conviction  ☐ Civil commitment

Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

[Redacted]

b. Penal or other code sections: 19851 V.C. § 470(c)

c. Name and location of sentencing or committing court: Superior Court of California - County of

[Redacted]

d. Case number: [Redacted]

e. Date convicted or committed: 7-2-14

f. Date sentenced: 8-18-14

g. Length of sentence: 54 months

h. When do you expect to be released? 5-26-16

i. Were you represented by counsel in the trial court? ☑ Yes  ☐ No  ☐ If yes, state the attorney's name and address: Kipp Lewis, 17225 Battlefield Rd, Suite B, Morgan Hill, CA 95037

4. What was the LAST plea you entered? (Check one):

☐ Not guilty  ☐ Guilty  ☑ No contest ☐ Other:

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury  ☑ Judge without a jury  ☐ Submitted on transcript  ☐ Awaiting trial
b. Supporting facts:
Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetency of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See In re Swain (1949) 34 Cal.2d 900, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

ON 9-18-15, BUTTE COUNTY CASE # was reduced from a Felony to a Misdemeanor. I was sentenced to 3 years which 3 years was added back. If I was not sentenced the court on re-sentencing, this will change my sentencing from 3 years to 4 years. Time served in my case. My appeal was denied on 8-31-15. Case # I put within the 120 day petition for re-sentencing time line. Section 1170(d) provides the court to modify the sentence and re-sentence me in accordance for any capital offense (1170(d)) and able to correct a "disparate sentencing." The court can base this re-sentencing decision on factors occurring after the original sentencing was imposed. I previously addressed the court for the re-sentencing.

b. Supporting cases, rules, or other authority (optional):
(briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

\[\text{PC 1170.18 (F); 1170(d); Wolff A Freeb Code 1737} \]
\[\text{CA RE Wiliams 83 Cal.4th 936, 985 1999, Re K. 999, 1999, 1999} \]
\[\text{DIX 83 Supreme Court 83 Cal.4th 936, 985 1999, 1999, 1999, 1999} \]
\[\text{Habeas vs Supreme Court 83 Cal.4th 936, 985 1999, 1999, 1999} \]

MC-275 (Rev. January 1, 2010)
PETITION FOR WRIT OF HABEAS CORPUS
7. Ground 2 or Ground _____ (If applicable):

A resentencing hearing ordered under this act shall constitute a post conviction release proceeding under paragraphs (7) of subdivision (6) of Section 28 of Article I of the California Constitution

a. Supporting facts:

I have applied several times seeking resentencing, yet superior court lacked jurisdiction while my case was being appealed. Now that an appeal is abandoned, I ask the court to consider my petition and reduce my sentence as if I had not been sentenced. I also ask the court to not be prejudice because of my civil litigation and fail mental health. On 2-3-15, Judge Linda Clark denied my petition without prejudice to refiling after issuance of the remand. The remand has been filed on 8-31-15 and I'm petitioning for resentencing, case.

b. Supporting cases, rules, or other authority:

People vs Lewis 185 Cal App 3d 1055 2 Cal Rptr 2d 171 (1987)
8. Did you appeal from the conviction, sentence, or commitment? ☑ Yes ☐ No If yes, give the following information:
   a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): ____________________________
   b. Result: ____________________________ c. Date of decision: ____________________________
   d. Case number or citation of opinion, if known: ____________________________
   e. Issues raised: (1) ____________________________ (2) ____________________________ (3) ____________________________
   f. Were you represented by counsel on appeal? ☑ Yes ☐ No If yes, state the attorney’s name and address, if known:
      ____________________________
      ____________________________
5. Did you seek review in the California Supreme Court? ☑ Yes ☐ No If yes, give the following information:
   a. Result: ____________________________ b. Date of decision: ____________________________
   c. Case number or citation of opinion, if known: ____________________________
   d. Issues raised: (1) ____________________________ (2) ____________________________ (3) ____________________________
10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:
      ____________________________
      ____________________________
11. Administrative review:
   a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See In re Muszatold (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:
      ____________________________
      ____________________________
   b. Did you seek the highest level of administrative review available? ☑ Yes ☐ No Attach documents that show you have exhausted your administrative remedies.
12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court?  Yes [ ] No [ ] If Yes, continue with number 13, If no, skip to number 15.

13. a. (1) Name of court: Superior Court of Santa Clara

(2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Petition for Resentencing

(3) Issues raised: (a) Re: 97
(b) Re: Sentencing R.C. 1170.18

(4) Result (attach order or explain why unavailable): Denied Due to Lack of Jurisdiction

(5) Date of decision: 2-3-15

b. (1) Name of court: United States District Court

(2) Nature of proceeding: 42 U.S.C. § 1983 Civil Rights

(3) Issues raised: (a) 1st Amendment Violation

(b) 

(4) Result (attach order or explain why unavailable): Pending

(5) Date of decision: 

For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

Santa Clara Superior Court 7-14-15 - Re: Sentencing of Code 93

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See In re Swain (1949) 34 Cal.2d 300, 304.)

16. Are you presently represented by counsel?  Yes [ ] No [ ] If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court?  Yes [ ] No [ ] If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 7-23-15

PETITION FOR WRIT OF HABEAS CORPUS
June 5, 2014

701 S. Abel Street
Milpitas, CA 95035

Dear [Name],

The success of many people is the result of simple persistence. Take Christopher Columbus, for example. All he did was sail a boat, something mariners have been doing since the dawn of history. But Columbus achieved fame because he held a westerly course with more persistence than any sailor before him. As the shores of Europe receded, both master and men were enthusiastic in their search for a new world. Enthusiasm, however, soon melted away into monotony. Day after day they worked at the same tasks in the same cramped surroundings until the crew was ready to quit. Columbus sailed on.

Bible study is much the same. Many quit. You have kept on. You have now achieved the 60 Unit Certificate. We congratulate you heartily. You have studied all the basic doctrines which will provide a good foundation for your life. There may be more studies available to you. Contact us if you are interested in additional studies.

We want to encourage you to set aside time each day for serious Bible reading. The results cannot be measured! May God richly bless you.

Warmly in Christ,

Robert Tyler, Director
ECS Ministries

RT/df
December 19, 2014

701 S. Abel Street
Milpitas, CA 95035

Dear [Name]

It was while traveling the Emmaus Road that two disciples listened to the greatest ever exposition of the Old Testament scriptures. The Lord Jesus Christ was the expositor. In a thrilling study and in an amazing way our Lord unfolded the central theme of scripture. Christ Himself was the subject of that revelation. The disciples testified to the fact that their "hearts burned within them" as the Savior spoke (Luke 24:13-35).

You have spent many more hours studying the Word of God than was possible for those two disciples on that memorable resurrection day. You have traveled far along the Emmaus Road yourself. By now you should have discovered the wonders of God's redemptive plan, seen first to unfold in the Old Testament, then to culminate in the New Testament. Your own heart must surely have often-times "burned." Precious truths have been learned. We heartily congratulate you upon earning your 72 Unit Certificate!

It would be advisable to prayerfully review all the course materials again. More truths wait to be revealed. Further excavation in God's Word is necessary. Golden nuggets await discovery. Here are five valuable tips to help you obtain the maximum spiritual benefit from the immeasurable wealth contained in the scriptures of truth: (1) Dig it up; (2) Write it down; (3) Pray it in; (4) Live it out; (5) Speak it forth.

Sincerely in Him,

Robert Tyler, Director
ECS Ministries

RT/df

P.O. Box 1028, Dubuque, IA 52004-1028
Tel: 563-585-2070; Email: rtyler@ecsministries.org; Web: www.ecsministries.org
ECS Ministries
Student Data Sheet

Course: Bible Prophecy
Course Grade: 87%
Units Earned: 2

Exam #1 Grade 90%  You missed question(s) -
#8. Answer B is incorrect Please refer to page 3 line 22
Exam #2 Grade 100%  You missed question(s) -
#3. Answer is incorrect Please refer to page 11 lines 13-14
#10. Answer D is incorrect Please refer to page 12 lines 9-15
Exam #3 Grade 80%  You missed question(s) -
#3. Answer D is incorrect Please refer to page 16 lines 8-12
#8. Answer D is incorrect Please refer to page 17 lines 21-23
Exam #4 Grade 80%  You missed question(s) -
#5. Answer D is incorrect Please refer to page 29 lines 2-8
Exam #5 Grade 100%  You missed question(s) -
#2. Answer D is incorrect Please refer to page 32 line 6
#5. Answer C is incorrect Please refer to page 32 lines 26-28
#7. Answer B is incorrect Please refer to page 33 lines 3-11
Exam #6 Grade 90%  You missed question(s) -
#6. Answer D is incorrect Please refer to page 36 lines 31-35 Rev. 6:9-11
#7. Answer B is incorrect Please refer to page 37 lines 14-17
Exam #7 Grade 70%  You missed question(s) -
#3. Answer A is incorrect Please refer to page 43 line 12 Isa. 35:4-9
Exam #8 Grade 80%  You missed question(s) -
#2. Answer A is incorrect Please refer to page 51 line 8 Rev. 19:11-16
#3. Answer B is incorrect Please refer to page 52 lines 3-4 1 Cor. 6:2
#5. Answer C is incorrect Please refer to page 52 lines 28-30
#7. Answer B is incorrect Please refer to page 53 lines 22-31

Instructor: m.marshall
BP - AK2011
Total ECS Units Earned: 79
<table>
<thead>
<tr>
<th>Exam</th>
<th>Grade</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#2</td>
<td>90%</td>
<td></td>
</tr>
<tr>
<td>#3</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#4</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#5</td>
<td>90%</td>
<td></td>
</tr>
<tr>
<td>#6</td>
<td>90%</td>
<td></td>
</tr>
<tr>
<td>#7</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#8</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#9</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

You missed question(s) - Please refer to page 17 lines 30-34 Gal. 5:16-17
You missed question(s) - Please refer to page 38 lines 17-29
You missed question(s) - Please refer to page 48 lines 2-4
Course: Ecclesiastes: Is There Meaning to Life?
Course Grade: 96%
Units Earned: 2

Exam #1  Grade 100%
Exam #2  Grade 90%  You missed question(s) -
96. Answer A is incorrect  Please refer to page 13 lines 17-18
Exam #3  Grade 100%
Exam #4  Grade 100%
Exam #5  Grade 100%
Exam #6  Grade 70%  You missed question(s) -
94. Answer is incorrect  Please refer to page 40 lines 26-27
95. Answer C is incorrect  Please refer to page 41 lines 10-11
96. Answer A is incorrect  Please refer to page 42 line 36
Exam #7  Grade 100%
Exam #8  Grade 100%
Exam #9  Grade 100%
Exam #10 Grade 100%

Instructor: m.marshall
ECCL - AK2010
Total ECS Units Earned: 76
ECS Ministries
Student Data Sheet

Course: Study to Show Yourself Approved
Course Grade: 85%
Units Earned: 4

Instructor: m.marshall
SSYA - AK2007
Total ECS Units Earned: 74

Exam #1 Grade 90%
#3. Answer B is incorrect
You missed question(s) - Please refer to page 15 lines 22-25

Exam #2 Grade 80%
#3. Answer B is incorrect
#8. Answer A is incorrect
You missed question(s) - Please refer to page 25 lines 2-4
Please refer to page 28 lines 14-19
You missed question(s) - Please refer to page 34 lines 24-25
Please refer to page 40 lines 8-9

Exam #3 Grade 80%
#3. Answer D is incorrect
#7. Answer B is incorrect
You missed question(s) - Please refer to page 51 lines 3-12
Please refer to page 54 lines 3-9
You missed question(s) - Please refer to page 68 lines 22-24
You missed question(s) - Please refer to page 76 lines 14-24
Please refer to page 77 lines 30-31
Please refer to page 81 lines 3-23
You missed question(s) - Please refer to page 92 lines 26-28
You missed question(s) - Please refer to page 95 lines 15-18, 27-31
Please refer to page 96 lines 31-35
Please refer to pages 95 & 100 lines 17-18 & 7-8
Please refer to page 100 lines 14-19
You missed question(s) - Please refer to page 107 lines 21-22
You missed question(s) - Please refer to pages 126 & 127 & 129 lines 3-4, 19-20 & 7-8, 20-21 & 8-9
You missed question(s) - Please refer to pages 126 & 127 & 129 lines 3-4, 19-20 & 7-8, 20-21 & 8-9
Please refer to pages 126 & 127 & 129 lines 3-4, 19-20 & 7-8, 20-21 & 8-9
Please refer to pages 126 & 127 & 129 lines 3-4, 19-20 & 7-8, 20-21 & 8-9
You missed question(s) - Please refer to page 132 lines 2-22 Ex. 32:1-6
Please refer to page 132 lines 2-22 Ps. 23
<table>
<thead>
<tr>
<th>Exam</th>
<th>Grade</th>
<th>Questions Missed</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#2</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#3</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#4</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#5</td>
<td>100%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 35 lines 22-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 37 lines 6-10</td>
</tr>
<tr>
<td>#6</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#7</td>
<td>100%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 48 lines 20-21</td>
</tr>
<tr>
<td>#8</td>
<td>70%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 55 lines 13-17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 55 to 56 25 to 3 line</td>
</tr>
<tr>
<td>#9</td>
<td>100%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 61 lines 4-5</td>
</tr>
<tr>
<td>#10</td>
<td>90%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 78 lines 18-20</td>
</tr>
<tr>
<td>#11</td>
<td>60%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 83 lines 21-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 85 lines 20-22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 86 lines 9-11</td>
</tr>
<tr>
<td>#12</td>
<td>90%</td>
<td>You missed question(s) -</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please refer to page 105 lines 27-29</td>
</tr>
</tbody>
</table>

Instructor: m.marshall
DAN - AK2009
Total ECS Units Earned: 70
<table>
<thead>
<tr>
<th>Exam</th>
<th>Grade</th>
<th>Detailed Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>90%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 13 to 14 31 to 8 line</td>
</tr>
<tr>
<td>#2</td>
<td>100%</td>
<td><strong>You missed question(s)</strong> - Please refer to pages 36 &amp; 39 lines 15-17, 26 &amp; 23-29</td>
</tr>
<tr>
<td>#3</td>
<td>90%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 43 lines 9-10</td>
</tr>
<tr>
<td>#4</td>
<td>90%</td>
<td><strong>You missed question(s)</strong> - Please refer to pages 57 &amp; 58 lines 25-33, 5-6</td>
</tr>
<tr>
<td>#5</td>
<td>90%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 83 lines 29-31</td>
</tr>
<tr>
<td>#6</td>
<td>100%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 89 lines 16-20</td>
</tr>
<tr>
<td>#7</td>
<td>100%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 95 lines 10-20</td>
</tr>
<tr>
<td>#8</td>
<td>80%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 114 lines 11-19</td>
</tr>
<tr>
<td>#9</td>
<td>90%</td>
<td><strong>You missed question(s)</strong> - Please refer to page 1</td>
</tr>
</tbody>
</table>
ECS Ministries
Student Data Sheet

Course: The Bible—What’s In It For You?
Course Grade: 98%
Units Earned: 1

Exam #1 Grade 100%
Exam #2 Grade 100%
Exam #3 Grade 90% You missed question(s) - 
#6. Answer F is incorrect Please refer to page 17 lines 3-5
Exam #4 Grade 100%
Exam #5 Grade 100%
Exam #6 Grade 90% You missed question(s) -
#7. Answer F is incorrect Please refer to page 36 lines 26-28
Exam #7 Grade 100%
Exam #8 Grade 100%
Exam #9 Grade 100%
Exam #10 Grade 100%

Instructor: m.marshall
BWFY - AK2007
Total ECS Units Earned: 65
Mount Zion Bible Institute
2603 West Wright Street . Pensacola, FL 32505 . USA
ph: (850) 438-1037; fax: (850) 438-0227; e-mail: school@mountzion.org, www.mountzion.org

Course Record
As of: July 24, 2014

Mr. [Redacted]
Elmwood Complex
701 South Abel St.
Milpitas, CA 95035

MZBI has sent the following courses to this student. Status "c" means completed in correspondant study, with review by qualified graders. Courses marked with study type "f" were completed in independent study (without review by MZBI). Each course consists of multiple written lessons from a respected text. For course descriptions, see the separate Course Overview, available from Mount Zion.

Course Information
Status = m - mailed, a - active, c - completed; Study type = blank - correspondence, i - independent, g - group

<table>
<thead>
<tr>
<th>Course#</th>
<th>Status</th>
<th>Loss #</th>
<th>Date</th>
<th>Study Type</th>
<th>Qty</th>
<th>Course name</th>
<th>Lessons: first</th>
<th>last</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AOG</td>
<td>m</td>
<td></td>
<td>10/22/01</td>
<td></td>
<td></td>
<td>All of Grace</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>AOG</td>
<td>c</td>
<td></td>
<td>3/20/02</td>
<td></td>
<td></td>
<td>All of Grace</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>BRN</td>
<td>m</td>
<td></td>
<td>5/27/14</td>
<td></td>
<td></td>
<td>Biblical Repentance</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>CTP</td>
<td>m</td>
<td></td>
<td>12/16/02</td>
<td></td>
<td></td>
<td>A Call to Prayer</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>CTP</td>
<td>m</td>
<td></td>
<td>1/9/07</td>
<td></td>
<td></td>
<td>A Call to Prayer</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>CTP</td>
<td>c</td>
<td></td>
<td>2/22/07</td>
<td></td>
<td></td>
<td>A Call to Prayer</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>FOF</td>
<td>m</td>
<td></td>
<td>7/3/07</td>
<td></td>
<td></td>
<td>Fundamentals of the Faith</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>FOF</td>
<td>c</td>
<td></td>
<td>8/23/07</td>
<td></td>
<td></td>
<td>Fundamentals of the Faith</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>GS2</td>
<td>m</td>
<td></td>
<td>9/21/11</td>
<td></td>
<td></td>
<td>Church History 1&amp;2: Beginnings to Middle Ages</td>
<td>1</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>HLP</td>
<td>m</td>
<td></td>
<td>2/22/07</td>
<td></td>
<td></td>
<td>Hidden Life of Prayer</td>
<td>1</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>HLP</td>
<td>c</td>
<td></td>
<td>4/17/07</td>
<td></td>
<td></td>
<td>Hidden Life of Prayer</td>
<td>1</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>HO1</td>
<td>m</td>
<td></td>
<td>9/10/07</td>
<td></td>
<td></td>
<td>Holiness, Part 1</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>HO1</td>
<td>m</td>
<td></td>
<td>7/22/08</td>
<td></td>
<td></td>
<td>Holiness, Part 1</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>HO1</td>
<td>c</td>
<td></td>
<td>10/14/08</td>
<td></td>
<td></td>
<td>Holiness, Part 1</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>HO2</td>
<td>m</td>
<td></td>
<td>10/14/08</td>
<td></td>
<td></td>
<td>Holiness, Part 2</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>HO2</td>
<td>c</td>
<td></td>
<td>1/20/09</td>
<td></td>
<td></td>
<td>Holiness, Part 2</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>IFL</td>
<td>m</td>
<td></td>
<td>4/17/07</td>
<td></td>
<td></td>
<td>In the Footprints of the Lamb</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>IFL</td>
<td>c</td>
<td></td>
<td>7/3/07</td>
<td></td>
<td></td>
<td>In the Footprints of the Lamb</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>JG1</td>
<td>m</td>
<td></td>
<td>9/17/10</td>
<td></td>
<td></td>
<td>Joy in the Gospel of John, Part 1</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>
## Course Information for:  

**Status**: m - mailed, a - active, c - completed,  
**Study type**: blank - correspondence, i - independent, g - group

<table>
<thead>
<tr>
<th>Course #</th>
<th>Status</th>
<th>Less #</th>
<th>Date</th>
<th>Qty</th>
<th>Course Name</th>
<th>Lessons: first</th>
<th>last</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>JG1</td>
<td>c</td>
<td>11/9/10</td>
<td>11/9/10</td>
<td></td>
<td>Joy in the Gospel of John, Part 1</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>JG2</td>
<td>m</td>
<td>11/9/10</td>
<td>11/9/10</td>
<td></td>
<td>Joy in the Gospel of John, Part 2</td>
<td>5</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>JG2</td>
<td>m</td>
<td>12/14/10</td>
<td>12/14/10</td>
<td></td>
<td>Joy in the Gospel of John, Part 2</td>
<td>5</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>JG2</td>
<td>m</td>
<td>9/22/11</td>
<td>9/22/11</td>
<td></td>
<td>Joy in the Gospel of John, Part 3</td>
<td>5</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>JG3</td>
<td>c</td>
<td>1/12/11</td>
<td>1/12/11</td>
<td></td>
<td>Joy in the Gospel of John, Part 3</td>
<td>9</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>LC3</td>
<td>m</td>
<td>3/20/02</td>
<td>3/20/02</td>
<td></td>
<td>Life of Jesus Christ</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>LC3</td>
<td>m</td>
<td>7/25/02</td>
<td>7/25/02</td>
<td></td>
<td>Life of Jesus Christ</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>LC3</td>
<td>c</td>
<td>8/19/02</td>
<td>8/19/02</td>
<td></td>
<td>Life of Jesus Christ</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>LTJ</td>
<td>m</td>
<td>8/27/01</td>
<td>8/27/01</td>
<td></td>
<td>Look to Jesus</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>LTJ</td>
<td>c</td>
<td>9/25/01</td>
<td>9/25/01</td>
<td></td>
<td>Look to Jesus</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>MRG</td>
<td>m</td>
<td>9/25/01</td>
<td>9/25/01</td>
<td></td>
<td>Man's Ruin - God's Redemption</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>MRG</td>
<td>m</td>
<td>7/24/07</td>
<td>7/24/07</td>
<td></td>
<td>Man's Ruin - God's Redemption</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>MRG</td>
<td>m</td>
<td>12/14/10</td>
<td>12/14/10</td>
<td></td>
<td>Man's Ruin - God's Redemption</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>MRG</td>
<td>c</td>
<td>10/22/01</td>
<td>10/22/01</td>
<td></td>
<td>Man's Ruin - God's Redemption</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>NT1</td>
<td>m</td>
<td>4/18/11</td>
<td>4/18/11</td>
<td></td>
<td>New Testament Survey</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>NT1</td>
<td>c</td>
<td>9/21/11</td>
<td>9/21/11</td>
<td></td>
<td>New Testament Survey</td>
<td>1</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>PFW</td>
<td>m</td>
<td>1/20/09</td>
<td>1/20/09</td>
<td></td>
<td>Profiting from the Word</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>PFW</td>
<td>c</td>
<td>5/26/10</td>
<td>5/26/10</td>
<td></td>
<td>Profiting from the Word</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>PFW</td>
<td>c</td>
<td>9/7/10</td>
<td>9/7/10</td>
<td></td>
<td>Profiting from the Word</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>PL1T</td>
<td>m</td>
<td>10/30/02</td>
<td>10/30/02</td>
<td></td>
<td>Pilgrim's Progress for Everyone</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>PL1T</td>
<td>c</td>
<td>12/16/02</td>
<td>12/16/02</td>
<td></td>
<td>Pilgrim's Progress for Everyone</td>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>TYM</td>
<td>m</td>
<td>8/23/07</td>
<td>8/23/07</td>
<td></td>
<td>Thoughts for Young Men</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>TYM</td>
<td>c</td>
<td>9/10/07</td>
<td>9/10/07</td>
<td></td>
<td>Thoughts for Young Men</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>
This is to certify that

[Redacted]

has successfully completed the Bible study course

Attributes of God

in 12 lessons.

May the Lord Jesus Christ be glorified by application
in a changed life of the Bible truths learned in this course.

Jeff Pollard
Pastor

June 18, 2015
Date

Mount Zion Bible Institute
2603 West Wright Street
Pensacola, Florida 32505 USA

"Sanctify them through thy truth: thy word is truth."--John 17:17
Mount Zion Bible Institute
Certificate

This is to certify that

Mr. [Redacted]

has successfully completed the Bible study course

Story of the Puritans

in 4 lessons.

May the Lord Jesus Christ be glorified by application in a changed life of the Bible truths learned in this course.

Jeff Pollard
Pastor

October 20, 2014
Date

Mount Zion Bible Institute
2603 West Wright St.
Pensacola, Florida 32505 USA

"Sanctify them through thy truth: thy word is truth."—John 17:17
Mount Zion Bible Institute
Certificate

This is to certify that

Mr. [Redacted]

has successfully completed the Bible study course

Biblical Repentance

in 5 lessons.

May the Lord Jesus Christ be glorified by application
in a changed life of the Bible truths learned in this course.

Jeff Pollard
Pastor

September 22, 2014
Date

Mount Zion Bible Institute
2603 West Wright St.
Pensacola, Florida 32505 USA

"Sanctify them through thy truth: thy word is truth."—John 17:17
10-7-14

To:

I have reviewed your request to enter our Oakland ARC program and I congratulate you on your willingness to improve and move forward in your life. I believe you can benefit from our therapeutic community. You will be on intake restriction for the first thirty days so please schedule all doctor or court appointments until the appropriate date. If you are on any medication please be sure that they are non-narcotic and you have a thirty day supply.

The Salvation Army ARC is a 132-bed facility offering a residential rehabilitative program for adult males who have a treatable social handicap. This is a six to twelve-month live-in program designed primarily for those who suffer from various addictions who have completed detoxification.

Residents are required to participate in the following aspects of the program; which include work therapy (for which they do not get paid), seven AA/NA meetings a week, meets with his sponsor once a week, weekly individual counseling, group counseling sessions, anger management, substance abuse education classes, chapel services, and random drug and alcohol testing.

Sincerely,

Matt Baldwin
Intake Coordinator
CERTIFICATE OF PARTICIPATION TO

IN RECOGNITION OF COMPLETING THE 60 DAY GET RIGHT PROGRAM
FEBRUARY 10, 2015

Office of the Sheriff / Department of Correction Programs Unit
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff / Respondent,  

vs.  

[Redacted]  
Defendant / Petitioner.  

CASE NO. [Redacted]  
ORDER ON PETITION FOR RESENTENCING  
(Penal Code §1170.18)  

On October 13, 2015, Defendant / Petitioner [Redacted] submitted a Petition for Writ of Habeas Corpus seeking resentencing of the following conviction(s):  

[Redacted] - Vehicle Code §10851  
[Redacted] - Penal Code §470(d).  

Because habeas corpus does not provide for this type of relief, the submission will be construed as a petition brought under the authority of Penal Code §1170.18(b), so that it may be considered on the merits.  

Petitioner is not eligible for the requested relief in case [Redacted] because only certain theft and simple drug possession charges are affected by the resentencing provisions of Penal Code §1170.18(a) - (b). To be eligible, a conviction must be one that would have been a misdemeanor if the newly added or amended sections 11350, 11357 and 11377 of the Health & Safety Code and sections 459.5, 473, 476a, 490.2, 496, and 666 of the Penal Code had been in effect at the time the offense was committed. (See Penal Code §1170.18(a). None of those sections authorize misdemeanor treatment of the Vehicle Code violation in that case.
The petition is also insufficient to make out a prima facie case for relief in case no. [redacted]. Although forgery convictions under Penal Code §470(d) are among the offenses that may be eligible for resentencing under Proposition 47 and Penal Code §1170.18, only convictions involving one of the seven items enumerated in Penal Code §473 (as amended by Proposition 47), and for amounts not exceeding $950, are eligible. Subdivision (b) of section 473 specifically limits misdemeanor treatment of forgery convictions to:

"[A]ny person who is guilty of forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order does not exceed nine hundred fifty dollars ($950)...." Penal Code §473(b) (emphasis added)

Defendant's petition does not allege sufficient facts to establish that the forgery conviction in this case is one of the eligible offenses, and not one of the many other ineligible types of forgery defined in Penal Code §470(d). It is Defendant's burden to allege facts sufficient to establish that the conviction in this case involves one of the seven enumerated types of forgery, and that the forged item did not exceed $950 in value.

For the foregoing reasons the petition for resentencing in case no. [redacted] is denied. The petition for resentencing in case no. [redacted] is also denied, but without prejudice to refiling on the proper form,¹ setting forth the necessary facts to establish eligibility under the statute.

DATED: 10/13/15

[Handwritten Signature]

LINDA B. CLARK
JUDGE OF THE SUPERIOR COURT

cc: Petitioner
    Office of the Public Defender
    Office of the District Attorney

¹ Petition forms are available on the Court website at http://www.scocourt.org/forms_filing.shtml.
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

The People of the State of California, Plaintiff,

vs.

[Redacted]

Defendant.

PROOF OF SERVICE BY MAIL OF:

ORDER ON PETITION FOR RESENTENCING
(Penal Code §1170.18)

CASE NO.:

CLERK’S CERTIFICATE OF SERVICE

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS HAND-DELIVERED INTO THE BELOW-LISTED AGENCY’S INTER-OFFICE PICK-UP BOX, (WHERE APPLICABLE), OR MAILED WITH FIRST CLASS POSTAGE PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW, AND THESE DOCUMENTS WERE PLACED FOR PICK-UP OR MAILED AT SAN JOSE, CALIFORNIA ON DATE SHOWN BELOW.

DATED: October 13, 2015

DAVID YAMASAKI, CHIEF EXECUTIVE OFFICER/CLERK

BY: Aurora N. Cisneros, Deputy Courtroom Clerk

<table>
<thead>
<tr>
<th>Defendant’s PFN#</th>
<th>Office of the District Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Attn: Prop 47 Motions Unit</td>
</tr>
<tr>
<td></td>
<td>(Placed in inter-office pick-up box)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Santa Clara D.O.C – Main Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>150 West Hedding St.</td>
</tr>
<tr>
<td>San Jose, Ca 95110</td>
</tr>
<tr>
<td>(First Class Mail)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office of the Public Defender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attn: Prop 47 Motions Unit</td>
</tr>
<tr>
<td>(Placed in inter-office pick-up box)</td>
</tr>
</tbody>
</table>
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff / Respondent,

vs.

[Redacted]

Defendant / Petitioner.

CASE NO. [Redacted]

ORDER ON PETITION FOR
RESENTENCING
(Penal Code §1170.18)

On October 13, 2015, Defendant [Redacted] submitted a petition seeking resentencing of his convictions in these two cases. In the petition he indicates that a prior conviction in Butte County was used to enhance his sentences, but was reduced to a misdemeanor on September 18, 2015. For that reason he is seeking a one-year reduction in his sentences.

In December, 2013, Defendant was sentenced in docket [Redacted] under Penal Code §1170(h). The court imposed a total five-year county jail term for a violation of Vehicle Code §10851, plus prior convictions under Penal Code §667.5(b), for a total term of five years. 54 months of that term were suspended and Defendant was placed on mandatory supervision (MS) after completing six months in custody. In May, 2014, MS was revoked and Defendant was returned to custody to serve the balance of his sentence following his conviction in docket [Redacted] for a violation of Penal Code §470(d). He was sentenced in the new case to a term of two years in county jail with a one-year enhancement for the prison prior, and that term was to run concurrent to the term in docket [Redacted].

Although Defendant has not provided any evidence or documentary support for his claim that a
Butte County conviction, now reduced to a misdemeanor, was used to enhance his sentence, it will be assumed for purposes of this discussion that he is correct in that assertion. This is because, even if true, Defendant is not eligible for resentencing in either case as a result of a reduction in the Butte County case. The resentencing provisions of Proposition 47 (hereafter “The Act”) and Penal Code §1170.18 do not apply retroactively to enhancements imposed under Penal Code §667.5(b).

“It is the general rule that a statute is not retroactive in operation unless the legislative intent to the contrary is clear. [Citation.]” (Estate of Childs (1941) 18 Cal.2d 237, 246.) “California continues to adhere to the time-honored principle, codified by the Legislature in Civil Code section 3 and similar provisions, that in the absence of an express retroactivity provision, a statute will not be applied retroactively unless it is very clear from extrinsic sources that the Legislature or the voters must have intended a retroactive application.” (Evangelatos v. Superior Court (1988) 44 Cal.3d 1188, 1208–1209; see Pen. Code, § 3; Code Civ. Proc., § 3.) “Even without an express declaration, a statute may apply retroactively if there is “a clear and compelling implication” that the Legislature intended such a result. (People v. Grant (1999) 20 Cal.4th 150, 157.)” (People v. Af,ford (2007) 42 Cal.4th 749, 754.) The legislative history or the context of the enactment may provide a sufficiently clear indication of intent to make a statute operate retrospectively. (Evangelatos v. Superior Court, supra, 44 Cal.3d at p. 1210.)

“In interpreting a voter initiative, we apply the same principles that govern our construction of a statute. (Robert L. v. Superior Court (2003) 30 Cal.4th 894, 900.)” (People v. Lopez (2005) 34 Cal.4th 1002, 1006.) If statutory language is ambiguous, courts refer to indicia of the voters' intent, such as the analyses and arguments contained in the official ballot pamphlet. (Robert L. v. Superior Court, supra, 30 Cal.4th at p. 901.) The court's task is to effectuate the electorate's intent. (Ibid.)” (People v. Litmon (2008) 162 Cal. App. 4th 383, 407-408.) There is no express retroactivity provision in the Act.

By its clear language the Act establishes procedures for the redesignation or resentencing of certain theft and drug offenses that resulted in felony convictions prior to its enactment, if those offenses would have been misdemeanors under the Act. There are two provisions which affect such “Prop. 47 offenses.” First, Penal Code §1170.18(a) provides that, if a defendant is currently serving a
sentence for a Prop. 47 offense, and does not have any of the disqualifying prior convictions listed in
subdivision (i), he or she may be resentenced under the Act’s misdemeanor provisions. Second, under
Penal Code § 1170.18(g), a defendant who has completed his or her sentence for a Prop. 47 offense
may have the offense redesignated as a misdemeanor “for all purposes.” The Act, however, contains
no provision for challenging or dismissing enhancements that were imposed prior to its effective date,
based on the subsequent redesignation of that offense under the Act. Nor is there any expression of
intent that the “for all purposes” language in Penal Code §1170.18(k) was to have retroactive
application.

The California Supreme Court has observed that a reduction to a misdemeanor “for all
purposes” under Penal Code § 17(b) does not apply retroactively. (People v. Feyrer (2010) 48 Cal.4th
426, 438-439; People v. Banks (1959) 53 Cal.2d 370, 381-382; People v. Mooney (2011) 194
Cal.App.4th 850, 8.) Courts have relied on this authority in determining also that the same language
within the Act does not apply retroactively in other contexts. (People v. Rivera (2015) 233 Cal.App.4th
1085, 1094-1095, 1099-1101 [concluding that appellate jurisdiction was properly with the Court of
Appeal, despite language in Penal Code § 1170.18(k) that Prop. 47 offenses resentenced or designated
as a misdemeanor “shall be considered a misdemeanor for all purposes”]; People v. Lynall (2015) 233
Cal.App.4th 1102, 1111 [concluding that “the court’s later declaration that the offense was a
misdemeanor under Proposition 47 does not retroactively convert this case from a felony case to a
misdemeanor case for the purpose of appellate jurisdiction”].) This analysis seems particularly
applicable to enhancements for prior prison convictions, which go to the nature of the offender and not
the underlying offense (People v. Gokey (1998) 62 Cal.App.4th 932, 936 [“Sentence enhancements for
prior prison terms are based on the defendant’s status as a recidivist, and not on the underlying criminal
conduct, or the act or omission, giving rise to the current conviction”].) A sentence enhanced under
Penal Code §667.5(b) is not a sentence for the offense which previously resulted in the prior prison
term, but an increased sentence for the current, non-Prop 47 offense based on recidivism. Any
retroactive reduction of the sentence for that non-Prop 47 offense is inconsistent with the stated purpose
of the statute to “(4) Authorize consideration of resentencing for anyone who is currently serving a


sentence for any of the offenses listed herein that are now misdemeanors.” (Proposition 47, Section 2.
Findings and Declarations; emphasis added).

For all of the foregoing reasons, the petition is denied. Because Defendant has not set forth a
prima facie case for the requested relief, the requests for appointment of counsel and a hearing are also
denied.

Dated October 14, 2015

[Signature]
JUDGE OF THE SUPERIOR COURT

cc: Petitioner
Office of the Public Defender
Office of the District Attorney
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

The People of the State of California,
Plaintiff,

vs.

[Redacted]

Defendant.

PROOF OF SERVICE BY MAIL OF:

ORDER ON PETITION FOR RESENTENCING
(Penal Code §1170.18)

CASE NO.: [Redacted]

CLERK'S CERTIFICATE OF SERVICE

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS HAND-DELIVERED INTO THE BELOW-LISTED AGENCY'S INTER-OFFICE PICK-UP BOX, (WHERE APPLICABLE), OR MAILED WITH FIRST CLASS POSTAGE PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW, AND THESE DOCUMENTS WERE PLACED FOR PICK-UP OR MAILED AT SAN JOSE, CALIFORNIA ON DATE SHOWN BELOW.

DATED: October 14, 2015

DAVID YAMASAKI, CHIEF EXECUTIVE OFFICER/CLERK

BY: Aurora N. Cisneros, Deputy Courtroom Clerk

[Redacted] PFN: [Redacted]
Santa Clara D.O.C. Main Jail
150 West Hedding St.
San Jose, Ca. 95110
(First Class Mail)

Office of the District Attorney
Attn: Prop 47 Motions Unit
(Placed in inter-office pick-up box)

Office of the Public Defender
Attn: Prop 47 Motions Unit
(Placed in inter-office pick-up box)

CJIC
(Placed in inter-office pick-up box)
Pony: Megan Doyle
Clerk of the Board

Santa Clara Co. Blue Commission
La Doris Cordell - Chair
55 West Younger Street
San Jose, CA 95110
Extra copy

Please keep for your records

And share with suggested changes

TX
Hey, how are you doing Megan, this is [inaudible] [inaudible] and I have input in grievances in for the fact that I am a [inaudible] inmate, and I believe that we need more mental health treatment and also more eligibility for us to deal with [inaudible] on SSI, SSI paperwork going on because the simple fact that we have doctors here, we have mental health staff here. All SSI needs is a letter verifying that we do take medication. I take a very, very powerful medication which is called [inaudible] for schizophrenic. What else...also, the simple fact that we don’t have our own unit in the, workers for Protective Custody. I was wondering, I was wondering if we can get our own dorm of mental health just like how they acted, have it, just cause we’re PC doesn’t mean, you know, we should be belittled and not have our own unit as well. And that’s about it. Thank you so much. I wrote the [inaudible] and they haven’t got back at me or nothing. If you could, can also help me out with maybe [inaudible] some information all about it, I would highly appreciate it. Thank you. God Bless. My PFN is [inaudible]. Booking number [inaudible] [inaudible] [inaudible] PFN [inaudible]. God bless you. Take care.