

RESOLUTION NO. BOS-2015-138

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ESTABLISHING THE BLUE RIBBON
COMMISSION ON IMPROVING CUSTODY
OPERATIONS**

WHEREAS, the safety of those incarcerated in Santa Clara County must be of paramount importance to those entrusted to work within our custody facilities;

WHEREAS, on August 27, 2015, Michael Tyree, an inmate at the Santa Clara County Main jail was killed and three custody officers were charged with murder, prompting an immediate call to action to thoughtfully and meaningfully implement changes and reforms that benefit our inmates, our staff, and our inmate families;

WHEREAS, the community we serve must have the utmost confidence that our custodial facilities are as humane as possible, safe for inmates, visitors, and staff, and are able to provide for the well-being and rehabilitation of those incarcerated;

WHEREAS, it is widely believed that a comprehensive review of our custodial processes, procedures and protocols is necessary;

WHEREAS, the Board of Supervisors is committed to rapidly improving the conditions and accountability in our custody facilities;

WHEREAS, the Board of Supervisors desires to create the Blue Ribbon Commission on Improving Custody Operations in Santa Clara County to swiftly guide the custody reform process;

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors shall establish a Blue Ribbon Commission on Improving Custody Operations.

BE IT FURTHER RESOLVED that an application period for membership on the Commission shall be open for ten days, closing at 5:00 p.m., the close of business, on October 16, 2015; and the President of the Board shall announce the appointed members at the October 20, 2015 Board of Supervisors meeting.

BE IT FURTHER RESOLVED that the President of the Board of Supervisors shall appoint a Chairperson, which shall not be a County Supervisor, and that Chairperson shall convene the Blue Ribbon Commission on Improving Custody Operations which shall:

1. Assess the current policies, procedures, and operations and identify areas that require reform, including but not limited to, inmate intake procedures and inmate classification; medical and mental health intake procedures; mental health services provided; the safety of the inmate population, visitors and custody staff; protections against abuse; recreational and educational programs provided in the jails; facility cleanliness; nutritional needs of inmates; and other issues or concerns discovered during the Commission's work; and
2. Solicit testimony and recommendations from outside experts so as to inform and guide the work of the Commission; and
3. Issue a comprehensive report to the Board of Supervisors within 180 days with its findings and an actionable set of recommendations; and
4. Provide monthly interim reports to both the Public Safety and Justice Committee and the Board of Supervisors.

BE IT FURTHER RESOLVED that the workplan of the Blue Ribbon Commission on Improving Custody Operations shall be focused on Custody Operations and formulating policy recommendations that can be implemented in the short-term, for the Board to act upon. The Commission is to be evaluative and is not created to investigate individual personnel matters or criminal conduct.

BE IT FURTHER RESOLVED that the Blue Ribbon Commission on Improving Custody Operations is delegated authority to inquire into the conduct of Custody Operations, and require periodic or special reports from departments involved in Custody Operations and examine all records and accounts thereof with timely access to public records that are not privileged or would not infringe on any employee rights or compromise internal administrative or law enforcement efforts.

BE IT FURTHER RESOLVED that Board Appointees shall provide the Commission with unqualified support to timely respond to inquiries, and are expected to appear before the Commission to answer questions and provide testimony.

BE IT FURTHER RESOLVED that the Blue Ribbon Commission on Improving Custody Operations shall comply with the requirements of the Ralph M. Brown Act, including the requirement to allow public comment on any and all matters concerning jail operations and specific jail incidents.

BE IT FURTHER RESOLVED that the Blue Ribbon Commission on Improving Custody Operations shall be staffed by the Office of the Clerk of the Board for administrative support; and supported by both the Office of the County Counsel and outside counsel contracted through the Office of the County Counsel.

BE IT FURTHER RESOLVED that the Blue Ribbon Commission on Improving Custody Operations shall exist for six months, commencing on the date of the Commission's first meeting, subject to extension by the Board of Supervisors.

BE IT FURTHER RESOLVED that the Blue Ribbon Commission on Improving Custody Operations shall not exceed 25 members, which shall include the following members:

1. County Supervisor
2. County Supervisor
3. Chief of Correction, Department of Correction
4. Active or Retired Judge
5. Mental Health Expert
6. Clergy Member
7. Representative, Civil Rights Community Organization or Authority
8. Representative, Inmate Rights Community Organization or Authority
9. Representative, Women's Inmate Rights Community Organization or Authority
10. Representative, Employee Organization
11. Family Member
12. Former Inmate
13. Sheriff, Office of the Sheriff
14. Public Defender, Office of the Public Defender
15. Chief Probation Officer, Probation Department
16. District Attorney, Office of the District Attorney
17. Director, Behavioral Health Services Department
18. Public-at-large

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Santa Clara hereby authorizes the County Executive or his designee to:

1. Negotiate and execute any agreements or amendments necessary to carry out the work of the Blue Ribbon Commission on Improving Custody Operations, subject to review and approval as to form and legality by County Counsel; and
2. Utilize existing budget to allocate funds towards the staff and outside experts to support the work of the Commission and, as needed, submit budget requests to fund the work of the Commission for approval by the Board of Supervisors; and

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3. This delegation of authority commences on October 6, 2015 and expires on termination of the Commission.

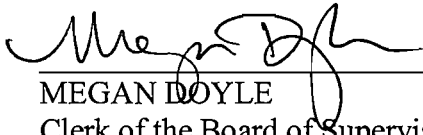
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on OCT 06 2015 by the following vote:

AYES: **CHAVEZ, CORTÈSE, SIMITIAN, WASSERMAN, YEAGER**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**



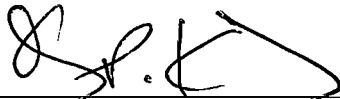
DAVE CORTESE, President
Board of Supervisors

ATTEST:



MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



ORRY P. KORB
County Counsel