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Statement by Sheriff Laurie Smith on the Settlement Reached in Santa Clara County Jail Litigation

“Today is an important milestone in our ongoing Jail Reforms. With the departure of the former Chief of Correction in 2016, I was disappointed by the stalled efforts and myriad of broken practices left behind. We immediately rolled up our sleeves to implement progressive advancements in the care and service our custody operations provide to the community. We are proud of the work we have accomplished toward this end, but we have much more to achieve toward completing my advanced Jail Reform Plan. The speed and efficiency of these necessary changes are a testament to the dedication of the women and men of the Sheriff’s Office.” -Sheriff Laurie Smith

Links to Press Releases:

<http://prisonlaw.com/news/settlement-reached-in-santa-clara-county-jail-litigation/>

<https://www.sccgov.org/sites/opa/newsroom/Pages/jailclassactionlitigationsettlement.aspx>

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Settlement Reached in Santa Clara County Jail Class Action Litigation

Santa Clara County, Calif – After three years of extensive negotiations, the Prison Law Office, Cooley LLP, and the County of Santa Clara have reached a settlement of the class action litigation, *Chavez v. County of Santa Clara*, N.D. Cal. No. 1:15-cv-05277-RMI (filed Nov. 2015) that alleged that some conditions in the county jails were unconstitutional.

The current settlement, which is subject to court approval, binds the County to existing and future significant commitments to improve living conditions for people confined in the jail that the County and the Sheriff's Office began addressing over three years ago. The County has agreed to continue to address the deficiencies until the County demonstrates durable solutions.

The settlement results from several years of negotiations between the Prison Law Office, Cooley LLP, and the County regarding the alleged unconstitutional conditions in the Jails.

"Although the negotiations were long and difficult, the outcome will result in dramatic improvements to the jails that will help reduce recidivism. During this process the Sheriff Laurie Smith and the County demonstrated leadership and complete transparency and dedication to finding solutions that addressed the deficiencies (including on the use of force and solitary confinement) and negotiated this deal in good faith," said Donald Specter, Executive Director of the Prison Law Office. "The Sheriff has already made substantial efforts to remediate some of the deficiencies in the jails," Mr. Specter noted.

The composition of the inmate population, due in large part to the recent re-alignment that placed more State prisoners in county facilities, has placed additional pressures on the County jails.

“For the last three years, the County has tackled necessary jail reforms in a collaborative, deliberative, and transparent fashion resulting in improved conditions for inmates and their families, the staff, and our community. With this settlement complete, the County can now finalize its work on the County’s larger efforts on jail reforms,” said County Counsel James Williams.

Sheriff Laurie Smith added that she has “appreciated the professionalism of the Prison Law Office and Cooley LLP and the opportunity to work cooperatively to find common ground in the parties’ shared goal of providing appropriate conditions for inmates in the County’s custody.”

“This long-sought agreement addresses critical opportunities to improve the Santa Clara County jail system. It’s heartening to see tangible policy reform result from cooperation and understanding. We’re certain these changes will touch many lives in the community,” added Cooley Partner Jessica Valenzuela Santamaria.

The Prison Law Office and experts will monitor the County’s implementation efforts to ensure compliance. Key points of the settlement agreement include:

- For all inmates, the County will make several modifications to the intake and booking process to better identify, monitor, and address inmates’ medical, dental, and mental health conditions as well as non-mobility and cognitive disabilities.
- For all inmates, the County will improve the delivery of medical, dental, and mental health care while in custody through reduced wait times to be seen for health care concerns; revisions to the referral systems; and changes to the medication distribution and verification processes.
- For inmates with serious mental illnesses and cognitive disabilities, the County will make systemwide changes to the screening, classification, housing, and management needs unique to these inmates.
- For inmates at risk of suicide, the County will make additional efforts at suicide prevention through revised triage and screening processes for evaluating inmates with suicidal behaviors, installation of suicide resistant cells, and changes to the way the jail supervises inmates at risk of suicide.
- For inmates with dental needs, the County will improve wait times and expand services to inmates incarcerated for longer periods.
- For inmates with vision, hearing, and speech disabilities, the County will improve its identification and verification processes as well as its issuance, retention, and provision of assistive devices; accommodate these inmates in improved housing; provide for effective communication and programmatic access; and track accommodations provided to these inmates.

- For inmates who engage in violence and, therefore, their contact with inmates and staff must be reduced for the safety and security of the institution, the County will use a new, innovative phased approach, developed in consultation with experts, to house these inmates in what will be known as administrative management. This new approach will include specific admittance criteria and a high-level review for inmates who are retained for longer periods of time; notice to inmates regarding their placement; improved conditions on these units in the form of greater out-of-cell time and more meaningful out-of-cell opportunities; and an opportunity for inmates to demonstrate good behavior and return to a lesser restrictive setting.
- The Sheriff's Office has developed a new use of force policy and implemented extensive training to correctional staff on the policy as well as de-escalation and conflict resolution training.

A copy of the proposed Consent Decree is available at: www.prisonlaw.com.

The federal court is scheduled to decide whether to grant preliminary approval to the settlement before the end of this year.

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