

**County of Santa Clara**  
**Department of Correction**

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Date: July 28, 2015

To: Gary Graves, Chief Operating Officer

From: John Hirokawa, Chief of Correction *JH1357*

Subject: Response to Santa Clara County Civil Grand Jury Report "The Public Is Underserved: Educational and Vocational Needs for Women Inmates at Elmwood"

The Civil Grand Jury recently released a report titled: "The Public Is Underserved: Educational and Vocational Needs for Women Inmates at Elmwood." The Department of Correction (DOC) would like to thank the Civil Grand Jury for their review of this subject and welcomes the recommendations contained within the report. The DOC's response to the recommendation is as follows:

Grand Jury 2014-2015 Report – Response

**Finding 1**

Educational and Vocational programs for incarcerated women in the Santa Clara County Elmwood Correctional Facility help reduce recidivism and re-incarceration costs.

**Recommendation 1**

Santa Clara County, through the Department of Correction, should find ways to expand women inmates' access to educational and vocational programs.

**DOC Response**

The DOC agrees with this finding and recommendation.

With the limited resources available, DOC consistently endeavours to bring in new classes and establish new educational programs when opportunities arise and when a need is identified. However, the DOC Programs Unit has not received any

additional funding for educational classes or educational program development since 2002. The current educational programs have been sustainable because of the support from the Milpitas Unified School District (reimbursed by the State for adult education) and community volunteers.

Additionally, on July 1, 2015, the County Board of Supervisors approved the addition of one Custody Support Assistant position to support the Women's Embroidery and Digital Screening vocational programs. Staff will continue to enhance the program curricula and research ways to expand women inmates' access to educational and vocational programs.

## **Finding 2**

The Santa Clara County Department of Correction's initial over-classification of security levels of some women inmates creates an access barrier to educational and vocational programs at the Elmwood Correctional Facility.

## **Recommendation 2**

Santa Clara County should evaluate the Correctional Assessment and Intervention System tool to determine whether it has been effective in processing the inherent differences between men and women inmates.

## **DOC Response**

The DOC partially agrees with this finding and recommendation.

The Correctional Assessment and Intervention System tool (CAIS) was implemented in 2012 as a risk and needs assessment tool. Its purpose is to develop a continuum of care for each inmate who is assessed. CAIS is a gender-specific tool that measures the risks and needs of inmates in several categories so that the inmates can be placed in the most suitable programs for their needs. As such, CAIS is not an inmate classification system.

The current classification system has been used for many years to manage the male and female inmate population safely. Inmates are classified based on the requirements of Title 15 Article 5, which states that inmates will be classified based on the following criteria: Sex and Age; Sophistication; Seriousness of charges/crime; Physical and Mental Health Needs; Gang Affiliation; Assaultive/non-assaultive behaviour using the least restrictive environment "within the limits of the facility.

All medium and maximum security inmates are automatically reviewed every 30 days for possible down-class to a less restrictive housing unit, whether or not a request is submitted by an inmate. The Classification unit has a dedicated deputy who works closely with the women's population to reduce security levels and housing assignments whenever possible. The Classification unit has 7 female deputies who have all worked at the Women's facility and all Classification deputies are familiar with gender housing issues when determining classification levels.

Many of the female population have mental health challenges that contribute to their negative in-custody behaviour and our Classification unit works closely with staff from the Custody Mental Health unit to determine appropriate housing locations.

In support of a new classification system, on July 1, 2015 the County Board of Supervisors approved \$30,000 in onetime funding for an independent classification expert to conduct a validation and reliability study of the classification system currently in use at the DOC. Based on the outcome of that study, DOC and County Administration will determine next steps for a validated classification system.

### **Finding 3**

The Department of Correction does not respond to women inmate requests for lower security classifications in a timely manner, which delays their access to educational and vocational programs.

### **Recommendation 3**

Santa Clara County, through the Department of Correction, should respond to requests from women inmates for reclassification within one month.

### **DOC Response**

The DOC disagrees with this finding, but agrees with this recommendation.

All requests are answered in a timely manner and all level 3 and level 4 inmates are reviewed every thirty days for possible down-class to a less restrictive housing unit, whether or not they submit a request. These determinations are based on behaviour, charges and known enemies in other housing areas. Inmates may appeal and submit grievances relating to any conditions of confinement, including but not

limited to Classification actions. The grievances are tracked until final disposition within 30 days or as soon as possible.

*“Additionally the Grand Jury was told by female inmates and staff that requests for reclassification were not answered in a timely fashion and were seemingly ignored.”*

While the Classification unit reviews all requests for reclassification, the custody staff and inmates are not aware of the review, nor are they entitled to confidential information about inmate and the reason for the denial of the request. For instance, an inmate may have enemies in other housing areas that prevent the Classification unit from moving them to that area, and this is further compounded by limited bed space in the housing units. Also, there are inmates who prefer the single cell housing of medium/maximum security instead of a dorm setting with 70 other inmates. To manipulate their housing, they will continue to display negative behaviour in order to avoid being rehoused to the lower ‘step-down’ classification.

Inmates and custody staff do not have access to the confidential information upon which housing decisions are made, and therefore may interpret the response as not “timely” or “ignored”.

#### **Finding 4**

The Elmwood Women’s Facility design for Level 3 and Level 4 housing units inhibits women inmates’ access to educational and vocational programs.

#### **Recommendation 4**

Santa Clara County, through the Department of Correction, should find means to provide Level 3 and Level 4 women inmates with educational and vocational program within their housing units.

#### **DOC Response**

The DOC agrees with this finding and recommendation.

DOC staff regularly assesses the educational services that are provided to high medium and maximum security women and looking for ways to enhance these opportunities.

As a result of this assessment, recently the Classification, Custody and Programs Units collaborated to implement a pilot educational group program for the high medium and maximum security women. The program was implemented on May

11, 2015. Initial findings reflect that the enrolled participants stay engaged in classes, have demonstrated improved behaviour in the unit, and have shown a willingness to continue in classes.

Based on the pilot's initial success, the DOC has extended the pilot program beyond the originally planned completion date. With the success of this program, it is anticipated that a similar model will be utilized in other 'hard to reach' areas, so more inmates can participate in educational and vocational programs.

### **Finding 5**

The lack of coordination between the Department of Correction Programs Services Unit and the Custody Unit regarding classroom availability is a barrier to Level 1 and Level 2 women inmates' access to more educational and vocational classes.

### **Recommendation 5**

Santa Clara County, through the Department of Correction, should require that the Programs Services Unit and the Custody Unit to meet regularly to discuss how to best utilize the available time and space for educational and vocational classes.

### **DOC Response**

The DOC disagrees with this finding, but agrees with the recommendation.

The Programs Services Unit and the Custody Units meet as needed and collaborate to ensure that both educational and vocational classes are provided efficiently and effectively in the available space and classrooms. The Programs Services Unit maintains a schedule for both educational and vocational classes that ensures effective implementation of all programs and supports the schedules of service providers.

With the attrition of senior staff and the support of new incoming staff, the Programs Services Unit and Custody Units have established a regular meeting schedule to ensure that both educational and vocational classes are implemented effectively and efficiently, so all participating inmates can benefit from the available programming opportunities.

### **Finding 6**

The Department of Correction only provides five vocational programs for Level 1 women inmates, compared to eight for men, which limits women inmate opportunities for post-release employment.

### **Recommendation 6**

Santa Clara County, through the Department of Correction, should expand the offering of vocational programs to women inmates, enhancing their opportunities for post-release employment.

### **DOC Response**

The DOC disagrees with the finding, but agrees with the recommendation.

The Grand Jury report on Page 7, states that as of September 14, 2014 there were 178 women classified as minimum security (Level 1) and on Page 9, it states that there were 630 men classified as minimum security (Level 1). These statistics indicate that with a ratio of 5:178 there is a vocational program available for every 36 women. However, with a ratio of 8:630, there is a vocational program available for 79 men. Therefore the female inmates have a better opportunity to enroll in a vocational program as compared to the men.

The DOC agrees with the recommendation that the department should expand the offering of vocational programs and enhance the type of vocational programs offered, so they are current, cutting edge and develop opportunities for post-release employment in today's job market. With the dedication of additional funding for staff and program development, the DOC is willing to explore these opportunities. The DOC recognizes the importance of enhancing vocational opportunities combined with educational opportunities for all incarcerated inmates, in order to impact and lower recidivism.

### **Finding 7**

The Department of Correction does not keep statistics regarding the number of women waiting to participate in educational and vocational programs, precluding a means of evaluating whether more classrooms and instructors are needed.

### **Recommendation 7**

Santa Clara County, through the Department of Correction, should keep statistics regarding the number of women waiting to participate in educational and vocational programs in order to evaluate where more classrooms and instructors are needed.

## **DOC Response**

The DOC agrees with this finding and recommendation.

Offenders are placed in in-custody educational programs based on a 'first come first served' basis. All educational programs are 'open entry and open exit', therefore offenders are not required to wait for a group or cohort to form before entering or exiting a program.

Statistics for the last couple years indicate that most in-custody educational programs offered at Elmwood Women's facility have been operating at about 80% to capacity and therefore offenders who wish to participate in an educational program are able to do so immediately.

The DOC agrees that by keeping accurate statistics, the DOC will be able to identify the additional resources needed. The Programs Unit has not received any additional funding for support staff since 2001. Although the unit has expanded and the services provided have increased exponentially with added responsibilities of the realignment population, the lack of support staff has hindered the unit from maintaining statistics on resources that are lacking. Programs support staff is only able to maintain statistics on active participants and track the progress and regress of these participants.

With the augmentation of additional funding for Programs Support Staff, the DOC could maintain statistics for not only those inmates who are participating in programs but also those who are unable to participate due to certain barriers. This information would be beneficial in identifying and evaluating where more classrooms and instructors are needed.