

2018-2019 Grand Jury Report
RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
Response to Specific Findings and Recommendations
August 27, 2019

FINDINGS

Finding 1:

Inequality in the Application of the Grievance/Writ/Appeal Process and Staff Responses

1. According to §9.1 of the Classification Policy (504.02), inmates who disagree with their AD-SEG placement status are only allowed the recourse of filing a grievance at the informal level. The policy requires a response to be given by the Classification Sergeant within 72 hours. Inmates placed in AD-SEG housing are not allowed to be present during the review of the grievance. As a result, they are not given the opportunity to make a statement or give any factual or mitigating reason(s) or evidence for their removal from AD-SEG status. They are not allowed to be present for any 30-day review. The inmate's/detainee's options are further restricted as the policy makes no provision to file a more formal appeal to a Lieutenant or Captain to protest his/her placement.

However, it is important to note that for all routine grievances inmates/detainees are allowed, per the Grievance/Writ Policy 507.02, Section 2.8.4, to appeal an issue up to the Commander (Captain) level.

Based on this policy, inmates/detainees may appeal any issue up to the level of Commander, except for an inmate/detainee appealing their AD-SEG placement status, who is restricted to only being allowed to file at an informal level.

Response to Finding 1:

Respondent disagrees partially with the finding.

Respondent RCSD disagrees partially with the characterization by the Grand Jury that there is "*Inequality in the Application of the Grievance/Writ/Appeal Process and Staff Responses*" on the basis that it is inaccurate, incomplete and misleading.

Although Policy 504.02 permits an inmate who is opposed to their placement in Administrative Segregation to request an informal review of their classification status; Policy 507.02 permits all inmates, including those housed in administrative segregation, to file a grievance regarding any issue relating to their confinement, including their housing location.

Policy 504.02, requires a response to be provided by jail staff and does not specify a response from the Classification Sergeant within 72 hours.

Although inmates are not present during the review process, any inmate in any classification category, including Ad-Seg, may provide information on mitigating circumstances that may

influence RCSD staff's decision to change or maintain their current classification. This information can be provided either verbally or in writing.

Respondent RCSD agrees that inmates are not allowed to be present for any 30-day review. However, they are made aware of the 30-day review process at placement into Ad-Seg and have unlimited access to staff through personal interaction during security checks and feeding or via the intercom system located in every housing unit cell and common areas. Additionally, all inmates have unrestricted access to inmate request slips (kites) and grievances inside their dayrooms; thus, providing several avenues to forward information or request a face to face meeting.

Any inmate who disagrees with their classification status, including Ad-Seg, may utilize the inmate grievance process wherein there is no limitation nor restriction on a formal appeal to a Lieutenant and Captain.

Finding 2:

Inconsistency in Applying Privileges

2. Based on the Press-Enterprise article of January 2019, in addition to the testimony provided, there is a continuing pattern of the basic issues being addressed with the inmate/detainee population in regards to the grievance references in the year 2017 and now in 2019.

One of the biggest issues prompting the hunger strike was the inconsistent and capricious application of the 30 minute free period allotted each day to the inmates/detainees. This time allows them to take advantage of privileges such as telephone access and day room time which includes being able to take a shower. Some of the complaints reported time was cut short for various reasons, and was not compensated for at a later time. Inmates/detainees are entitled to their allotted time under the written policies.

AD-SEG inmates are housed in individual cells for 23.5 hours per day. Some inmates who are deemed compatible to be housed together through the classification process may be placed in a two-person cell for housing consolidation. Preventing, denying or curtailing the allotted time with no appropriate alternative to compensate for lost time, is not only unfair, but could be interpreted as cruel treatment.

When inmates/detainees raise concerns about issues on the limitations of their privileges, the concerns would be corrected for a few weeks or months, and then staff would revert back to their "old ways".

This inconsistency of access to privileges and programs caused the inmate population to question whether corrections' policies are enforced, or how much arbitrary discretion staff is allowed in following them.

Response to Finding 2:

Respondent disagrees partially with the finding.

Respondent RCSD disagrees partially with the characterization by the Grand Jury that there is "*Inconsistency in Applying Privileges*" on the basis that it is inaccurate, incomplete and misleading.

Daily operation of the facility, at times, may present a need to return inmates to their cells. When this occurs, reasonable efforts are made to make up for any lost time.

Ad-Seg inmates have the ability to be housed with other inmates and have programing access in groups. This has, at a minimum, doubled the inmates' time out of their cells and increased their access to privileges and other inmates. Based on their individual assessments, some Ad-Seg inmates are housed in single person cells and provided access by themselves. These inmates are included in the continual rotation of access to the dayroom and have no limit to the number of rotations.

RCSD is unable to speak to the specific issue of staff complacency, due to a lack of details presented; however, checks and balances are in place to identify and address deficiencies, such as perceived complacency in staff.

Finding 3:

Detention Centers Take Reactive Stances to Issues

3. There is currently no mechanism in place for inmates to bring issues to staff that affect them, other than through the grievance process. To notify management about any issues of concern, inmates/detainees must file individual grievances. This is a REACTIVE stance.

Response to Finding 3:

Respondent disagrees wholly with the finding.

Respondent RCSD disagrees wholly with the characterization by the Grand Jury that the "*Detention Centers Take Reactive Stances to Issues*" on the basis that it is inaccurate, vague and misleading.

Inmates are provided unrestricted access to inmate request slips inside their dayrooms. Any allegations of staff misconduct are brought directly to the Lieutenant and Captain. Inmates have unlimited access to staff through personal interaction during security checks or via the intercom system located in every housing unit, cell, and common areas. Additionally, inmates have the ability to communicate through the U.S. mail to the Facility Commander, or any governmental agency and it is considered confidential.

RECOMMENDATIONS

Recommendation 1:

Inequality in the Application of the Grievance/Writ/Appeal Process and Staff Responses

1. The RCSD must ensure that the grievance/appeal process, which is afforded to every incarcerated/detained person, be universally applied to all situations. Those housed in AD-SEG units must be afforded the same opportunity and right as any other inmate/detainee, to appeal their placement up the chain-of-command to a Commander (Captain) level.

All policies and procedures must be reviewed and updated annually to ensure conflicting or inconsistent information is corrected. A dated annotation should indicate that policies are reviewed every year, even if no changes were needed. This would ensure policies are routinely checked and remain current. All grievances, including those for AD-SEG placement, should be reviewed at the Lieutenant level and possibly the Commander/Captain level. This would provide a balanced oversight process and comply with other appeals that may rise to the Commander's level for review.

In addition, all grievance responses from any staff member must be reviewed by a Lieutenant to ensure the response is professionally written and appropriate since ultimately, grievances could be subpoenaed by a court as evidence.

Response to Recommendation 1:

The recommendation will not be implemented because it is not warranted or is not reasonable.

Respondent RCSD's current Grievance Policy clearly states all inmates can grieve "any current condition of confinement, act, rule, and policy, written or unwritten in which an inmate feels their rights or privileges have not been recognized or have been violated." This policy includes "Classification Actions." All grievances are eligible to be appealed through the administrative ranks of Lieutenant and Facility Commander (Captain) level.

Respondent RCSD has an established Corrections Standards Committee that reviews every policy and procedure and updates documents, annually, as needed.

Respondent RCSD, in compliance with the Board of State and Community Corrections (BSCC), title 15, believe routine complaints regarding conditions of confinement can and should be resolved at the lowest possible level to ensure a quick response. Unresolved complaints may be formally appealed to the level of Captain.

Respondent RCSD's Value Statement maintains professionalism as a core tenant, so it is expected that grievance responses are written in a professional manner. All inmate grievances are collected and reviewed by a supervisor (Sergeant) and it is that Sergeant's responsibility to document

his/hers findings and resolution on the grievance form. As previously stated, if the individual is not satisfied with the Sergeant's response, there is no limitation or restriction of a formal appeal to a lieutenant and Captain.

Recommendation 2:

Inconsistency in Applying Privileges

2. All correctional policies must be enforced, especially in regard to privileges, in order to maintain stability and assure the inmate population that all policies will be consistently enforced and not be applied capriciously. Staff must not create a work culture of deliberate indifference or institutional complacency.

When situations occur which disrupt the inmates'/detainees' normal routine of rights and privileges, there must be a mechanism in place to ensure the inmates'/detainees' privileges and rights are promptly restored keeping in mind security. Inmates should not be unnecessarily deprived of their entitlements without a contingency plan in effect. Consistency and continuity are key elements in a correctional setting.

Response to Recommendation 2:

The recommendation will not be implemented because it is not warranted or is not reasonable.

Respondent RCSD finds this statement to be vague, ambiguous and problematic; however, Respondent agrees that all corrections policies must be enforced consistently in order to maintain a stable inmate population, regardless of policy's subject domain.

Respondent RCSD has policy in place that designates dayroom access times and continued access and/or rotation to allow maximum time with access to privileges. Additionally, when access to inmates' normal routine is interrupted, reasonable efforts are made to compensate for the time lost caused by the disruption.

Recommendation 3:

3. The RCSD should develop a workable plan for inmates to bring their grievances or issues to a manager, on a consistent monthly basis. This would allow potential issues to be addressed and rectified before they escalate. This could take the form of a mutually agreed upon method. A face-to-face discussion would be best, but if this is not practical for security purposes, another workable method should be considered. This process would be a great example of taking a proactive stance.

This plan to bring issues to management's attention on a monthly basis is not intended to, nor should it replace, individual grievances which inmates/detainees have a right to file at any time. The purpose of this plan is to bring issues to management's attention on a monthly basis in order to resolve them quickly. It would allow management a real-time opportunity to take a proactive

stance in addressing and correcting issues quickly, before they escalate to a reactive situation which could result in a hunger strike or worse.

Proactive stances and approaches to issues or concerns are not only more desirable and productive, but also are more effective than reacting to a situation after the fact, to rectify an issue.

Response to Recommendation 3:

The recommendation will not be implemented because it is not warranted or is not reasonable.

Respondent RCSD has several methods of grievance/issue resolutions in place. Inmates are provided unrestricted access to inmate request slips and grievances inside their dayrooms. Additionally, inmates have the ability to communicate through the U.S. mail to the Facility Commander, or any governmental agency and it is considered confidential.

Inmates have unlimited access to staff through personal interaction during security checks or via the intercom system located in every housing unit cell and common areas. Any inmate is free to write directly to the facility Commander (Captain) at any time for any reason with complete confidentiality from Department line staff.

Respondent RCSD feels the unrestricted access to staff up to and including the Sheriff provides an unprecedented real-time opportunity for proactive resolutions.