

Attachment C

Santa Barbara County Sheriff's Office

ACLU Inmate Access and Memorandum of Understanding

Decision Memorandum

August 2016

To: Bill Brown, Sheriff

Subject: Revision of ACLU Contact Processes

Submitted for consideration by the Community Corrections Input Committee

Committee Members:

Mark Mahurin, Grievance Oversight Coordinator
Rory Moore, Families Act Board Chair
Suzanne Riordan, Families Act, Alternate
Lynne Gibbs, National Alliance on Mental Illness
Jim Rhode, Mental Health Commission
Julie Solomon, Mental Health Commission, Chair of Human Services Committee
Eddie Perez, Community Representative
Esther Lim, Jails Project Director, ACLU

Completed By:

Mark V. Mahurin, Lieutenant (ret)

For Consideration

The Community Corrections Input Committee is asking the Sheriff's Office to consider a recommendation to modify the existing procedures for inmate access to the American Civil Liberties Union (ACLU) of Southern California. The committee is proposing adding additional contact options that will eliminate any perceived impediment, whether unintentional or otherwise, to communication with the ACLU specific to complaints related to a person's condition of confinement.

Problem Statement

During the February 16, 2016, Board hearing, several of the board members voiced concerns about a person's ability to file unencumbered complaints concerning issues related to their confinement in the jail. Both Supervisors Farr and Wolf expressed concern about access to the ACLU and other complaint processes, indicating a need for transparency and complaint resolution. There is a perception that certain complaints, in particular when those complaints may concern staff conduct or behavior, are not being handled appropriately. The committees' intent is to help eliminate these concerns by allowing alternative methods of contact with the ACLU.

Discussion

Jail executive staff and Esther Lim, Director of Jails, ACLU Southern California, meet several times in late 2015 to develop agreed upon processes for handling inmate complaints concerning conditions of confinement. While these agreed upon processes have been in practice now for several months, it became apparent that these procedures were not formally documented by either party. Thus, our first course of action was to develop a formal process to document the current procedures.

Currently the only option available for inmates to communicate with the ACLU volunteers is to submit a written request using the inmate request slip. These are collected by custody staff and are turned into the Admin CD to process for the ACLU volunteer's weekly visit. There have been some unverifiable reports from inmates that staff have discouraged requests to the ACLU or that some requests have not been processed for ACLU review or contact.

Over the course of several conversations with the Committee and the ACLU, we have come up with several options that may remedy the above stated issue, providing multiple options for communication with the ACLU that do not require staff interaction, or potential impediment.

First, the existing written inmate request process will remain intact, allowing inmates to submit requests through our existing process.

Second, the ACLU has acquired a local Santa Barbara P.O. box for inmate use (P.O. Box 61915, Santa Barbara, CA 93160). This will allow inmates to communicate directly with the ACLU using the legal mail procedures already established by policy within the jail.

Third, the ACLU has established a 24-hour message line (213-235-0420) specific to the Santa Barbara County Jail that allows our inmate population to leave messages.

Fourth, the jail inmate telephone provider offers a 24-hour voice to text message system through their system that translates a voice message into a text that is able to be sent to the ACLU via email. A response can be sent back to the inmate via email, which is converted back into a voice message. This response message is available for the inmate to retrieve the next time they use the phone system.

Recommendations:

We have developed a Memorandum of Understanding (MOU) with the ACLU So. Cal. to encompass the agreed upon processes for handling inmate complaints. For clarity purposes, we have also included the following recommendations into the MOU. Should the department agree with these recommendations, the Committee advocates that the Sheriff sign and enact the attached MOU (Exhibit A).

1. The Committee recommends implementation of the local P.O. Box. The local Santa Barbara P.O. box for inmate use has been provide at no cost to Santa Barbara County and is intended to allow inmates unrestricted access with ACLU. In general, inmates will supply their own mailing envelops available for purchase via commissary. Indigent inmates will be provided legal mail postage through our already established indigent legal mail policies.
2. The Committee recommends implementation of the ACLU 24-hour message line. This phone line is for specific use by Santa Barbara County Jail inmates and is provided at no cost to Santa Barbara County. The ACLU is not funded to receive collect calls to the message number, so the Committee would like to propose that all calls to the ACLU number (213-235-0420) be set as a free non-collect call, similar to what is afforded to the Public Defender phone numbers. This would ensure access to all inmates regardless of financial status.
3. The Committee recommends implementation of the 24-hour voice to text message system available through the inmate telephone system. IC Solutions offers this feature at no cost to the Sheriff's Office or the receiving party. The voice to text feature provides the inmate with a direct response ability from the ACLU that other options do not allow. We would propose use of the Voice to Text feature initially as a pilot to determine if the feature performs as indicated. Once the ACLU determines that the feature is working and that they can effectively accommodate the number of messages, we would continue offering the option. Should this prove to be ineffective or unmanageable, the feature can be turned off.
 - a. As a side note, should the Pilot prove to be viable, this feature may be a benefit for Probation staff. Deputy Chief Tanja Heitman has several ideas of how this feature may be used to save probation staff time and limit the need for Court Video or face-to-face jail visits with probationers.

For each of these processes, the Sheriff's office will provide the appropriate ACLU contact details to inmates through all of the following means:

- a. Inmate Orientation Handbook;
- b. Inmate Orientation Video;
- c. Signs or placards posted in or near inmate housing units;
- d. Pamphlets or other written material; and
- e. Through electronic methods that may be available or may become available.

Policy Review

As stated previously, our existing policies include provisions to address each of these recommendations and no modifications are necessary.

Implementation Impacts

The MOU needs to be signed. The MOU documents the existing practices and the necessary additions as detailed in this document for both the Sheriff's Office and the ACLU SoCal. There are no direct

implementation impacts.

The P.O. Box and the message phone number are currently available and have been included in the new jail handbook. A determination needs to be made as to making the message phone number a free call, but no other implementation actions are necessary.

The voice to text option will require Sheriff's staff (Lieutenant McWilliams) to authorize IC Solutions to begin implementation and to work with them to set up the necessary routing processes. The ACLU has already established the email address necessary for system routing. This is a one-time impact with minimal staff time impacts.

Fiscal Impacts

The current inmate request process is already in place and will have no direct cost impact resulting from these changes.

The New ACLU phone number has no direct impact on phone revenue as it is not currently in use. Since the ACLU is not budgeted for accepting collect calls from inmates, it is likely the number would not be available for use without an alternate method of handling these calls. The ACLU SoCal is paying for the monthly cost of the phone number, with no impact to the Sheriff's Office.

The ACLU is covering the cost for the local P.O. Box. There is no fiscal impact to the Sheriff's Office. The indigent legal mail processes already exist, with funding provided through the Inmate Welfare fund and we do not anticipate a significant cost impact due to making the P.O. Box address available.

The voice to text feature is available for our use through the IC Solutions phone system free of charge for both the Sheriff's Office and the end user. We anticipate no fiscal impacts.

Exhibit A

ACLU SoCal Visit Summary Report



JAILS PROJECT

SANTA BARBARA

santabarbarajails@aclusocal.org

OVERALL DATA

VISIT SUMMARY/REPORT

Date:

Time:

How Many "Kites" Received?	HOW MANY?				
	Medical	Mental Health	Physical Condition	Miscellaneous	Other

INMATES SEEN

<i>*If anonymous, please indicate</i>	Compliant(s):	1.				
	SBSO's Response:					

<i>*If anonymous, please indicate</i>	Compliant(s):	1.				
	SBSO's Response:					

<i>*If anonymous, please indicate</i>				
Compliant(s):	1.			
SBSO's Response:				
<i>*If anonymous, please indicate</i>		Inmates Name	Booking #	Housing
				JP Volunteer Initial
Compliant(s):	1.			
SBSO's Response:				

GENERAL TRENDS/COMPLAINTS:

What:	SBSO's Response:

Thank you, *Jails Project: Santa Barbara santabarbarajails@aclusocal.org*



Date Summary Sent:	To Whom?	Date Summary Received?	From Whom?

Exhibit B

Memorandum of Understanding
Santa Barbara County Sheriff's Office
American Civil Liberties Union of Southern California

Memorandum of Understanding
Santa Barbara County Sheriff's Office
American Civil Liberties Union of Southern California

This Memorandum of Understanding (MOU) between the County of Santa Barbara Sheriff's Office (SBSO) and the American Civil Liberties Union of Southern California (ACLU SoCal) is established to memorialize agreed upon procedures and processes related to the ACLU SoCal's assistance to ensure that inmates' needs are met and complaints are heard and resolved in a timely manner.

1. Definitions:

- A. For purposes of this MOU, the ACLU SoCal is responsible for assisting SBSO with addressing inmate complaints specific to conditions of confinement.
- i. "Conditions of confinement" issues are defined as follows:
- a. Access to beds;
 - b. Access to change of clothing;
 - c. Condition or quality of food or meals;
 - d. Special housing;
 - e. Recreation time;
 - f. Access to showers;
 - g. Access to telephones;
 - h. Issues related to overcrowding;
 - i. Issues related to hygiene;
 - j. Access to religious services;
 - k. ADA complaints;
 - l. Access to mail;
 - m. Allegations of staff violence, failure to protect, staff fomented inmate on inmate violence and retaliation;
 - n. Access to medical and mental health care; or
 - o. Other similar issues related to conditions of confinement.
- ii. Complaints outside of conditions of confinement must be routed to the appropriate location or agency. SBSO may be able to assist the ACLU SoCal by providing appropriate contact information when it is available, but does not assume responsibility for obtaining a resolution for complaints not directly related to condition of confinement.

2. Responsibilities of the Parties:

A. SBSO Agrees to:

- i. Provide ACLU SoCal's contact information to inmates through all of the following means:
- a. Inmate Orientation Handbook;
 - b. Inmate Orientation Video;
 - c. Signs or placards posted in or near inmate housing units;
 - d. Pamphlets or other written material; and
 - e. Electronic methods that may be available or may become available.

- ii. Provide inmates with access to the ACLU SoCal through the following methods:
 - a. Written request to see an ACLU SoCal Jails Project volunteer using the inmate request form;
 - b. Confidential Legal Mail sent to the ACLU SoCal at P.O. Box 61915, Santa Barbara, CA 93160 (Postage for indigent clients is provided at no cost to the inmate);
 - c. Provide confidential access to the ACLU SoCal 24-hour message line (213-235-0420), at no cost to the inmate or the ACLU SoCal, through the Inmate Telephone System; and
 - d. Provide confidential access to the ACLU SoCal through the 24-hour voice to text message system, at no cost to the inmate or the ACLU SoCal, through the Inmate Telephone System.
- iii. Provide ACLU SoCal volunteers with access to complainants via professional visitation at least one day per week. Additional days may be authorized upon agreement of both parties should inmate request numbers indicate the need for more frequent visits.
 - a. SBSO shall complete appropriate access clearances for ACLU SoCal volunteers.
- iv. If requested by either party, provide training to the ACLU SoCal volunteer staff regarding:
 - a. Facility safety and security policies and procedures;
 - b. The dynamics of inmate behavior and sexual violence in correctional institutions; and
 - c. The Prison Rape Elimination Act.
- v. Provide the ACLU SoCal with a response to the complaints submitted by the ACLU SoCal within fourteen (14) business days of receipt of the complaint.
- vi. Communicate any questions or concerns regarding this MOU or services provided by the ACLU SoCal to Esther Lim, Director of Jails via phone, 213-977-5281, cell phone, 213-361-3568 or email, elim@aclusocal.org.

B. ACLU SoCal agrees to:

- i. Assist SBSO with addressing complaints specific to conditions of confinement of SBSO inmates.
- ii. Ensure complainants have completed the SBSO grievance process prior to providing ACLU SoCal assistance.
- iii. Provide sufficient ACLU SoCal volunteers, who have successfully completed the SBSO clearance process, to review inmate complaints and to provide consultation and responses to complaints.
- iv. Coordinate visits with Inmate Records and Custody staff.
- v. Report complaints, except those that inmates have expressed are confidential, related to conditions of confinement to the SBSO on the approved form, Attachment A, within two (2) business days of each visit. Additional days may be requested upon agreement of both parties should the number of complaints increase with the additional modes of contact.

- a. Issues determined to be time sensitive or critical in nature should be reported to the administrative Sergeant or the administrative Lieutenant via phone or email as soon as possible.
 - (1) Jail Administration Sergeant: 805-681-4223 Email: jmm3100@sbsheriff.org
 - (2) Jail Administration Lieutenant: 805-681-4252 Email: stl2761@sbsheriff.org
 - b. Email contacts may be amended due to personnel reassignment without material affect to the MOU, and will be provided to the ACLU SoCal in writing as soon as it is applicable.
- vi. Maintain contact options for inmate clients at no cost to SBSO. These include:
- a. Access to a 24-hour message phone number;
 - b. Access to a P.O. Box address;
 - c. Access to a monitored email address for use with the voice to text message system.
 - (1) Email access: Should the ACLU SoCal determine that the voice to text feature is ineffective or too cumbersome to manage, notice of elimination of this feature must be provided to SBSO no less than thirty (30) days prior to the planned termination date.
- vii. Communicate any questions or concerns regarding this MOU or services provided by the Sheriff's Office to the Jail Administration Sergeant via phone, 805-681-4223, or via email, jmm3100@sbsheriff.org.

C. Access to Facility:

- i. SBSO retains sole authority to grant or deny access to any of the jail facilities.

D. Term:

- i. This MOU shall begin August 30, 2016, and shall remain in effect until terminated by either party.

E. Termination, Suspension and Modification:

- i. This MOU may be terminated, without cause, by either party upon no less than a thirty (30) day written notice to the other party. Each Party agrees to act in good faith to observe the terms of this MOU; however, nothing in this MOU is intended to require any unlawful or unauthorized act by any Party. Nothing in this MOU shall be interpreted to limit or restrict each of the Parties' legal, jurisdictional, or other rights or obligations with respect to the subject matter of this MOU. No provision of this MOU shall form the basis of a cause of action at law or equity by any Party against any other Party, nor shall any provision of this MOU form the basis of a cause of action at law or equity by any third party.
- ii. This MOU, or access to the facilities, may be suspended at any time without notice for any of the following reasons:

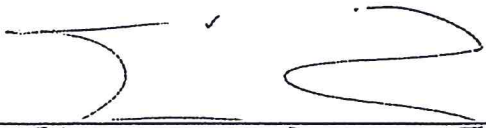
- a. Volunteer misconduct or issues related to the volunteers that creates a security concern for SBSO;
 - b. Failure to follow access rules or policies; or
 - c. Failure to follow the terms and conditions of this MOU.
 - d. Within seven days, the Sheriff's Office will provide written notice of circumstances of the suspension and/ or the alleged misconduct. The ACLU SoCal will have the opportunity to respond to or appeal the suspension.
- iii. Any modifications to this MOU must be must be included as an amendment to this MOU and must be signed by both parties.

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American Civil Liberties Union of Southern California:

By:  Date: 08/18/2016
Esther Lim, Director of Jails
ACLU SoCal

Santa Barbara County Sheriff's Office:

 Date: 8/28/16
Bill Brown
Sheriff-Coroner

Approved As To Form:
Michael C. Ghizzoni
County Counsel

By:  Date: 8/23/16
Michelle Montez, Deputy
County Counsel

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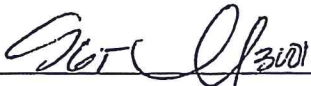
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Concurrences

Concurrences

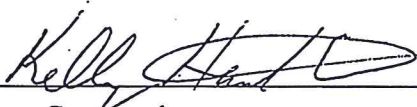
Yes No

 Date 8.17.16
Juanita Miranda, Sergeant
Custody Administration


Comments: _____

 Date 8/23/16
Shawn Lammer, Lieutenant
Custody Support Division, Health Services

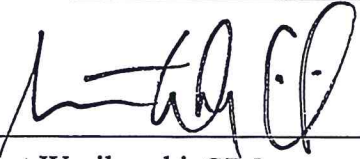
Comments: _____

 Date 8/23/16
Kelly Hamilton, Commander
Custody Support Division


Comments: _____

 Date 8/24/16
James Metel, Commander
Jail Operations Division

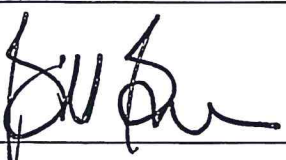
Comments: _____

 Date 8/25/16
Vincent Wasilewski, CJM
Chief Deputy, Custody Division

Comments: _____

 Date 8/26/16
Bernard Melekian, Undersheriff

Comments: _____

 Date 8/26/16
Bill Brown, Sheriff

Comments: _____