**Process and Evaluation Workgroup**

**Meeting Minutes**

**April 3, 2019**

**In attendance:**

**Rodney Brooks:** Alameda County Public Defender’s Office

**Bob Britton:** Oakland Community Organizations

**Neola Crosby:** Alameda County Probation Department

**Sophia Lai:** Alameda County Behavioral Health Services

**Rashad Eady:** Alameda County Behavioral Health Services

**Tim Smith:** Building Opportunities for Self Sufficiency

**Deep Kaur:** Bay Area Legal

**Charlie Eddy:** Urban Strategies Council

**Sara Ting:** Alameda County Board of Supervisors, District 3

**Shahidah Lacy:** Alameda County Board of Supervisors District 5

**Jean Moses:** Faith in Action

**Captain Mike Carroll:** Alameda County Sheriff’s Office

The Meeting started with brief introductions.

Mike Carroll reported on what he had done since the February meeting in response to our request, a brief summary is below:

* We are trying to make some changes the with site clearance, but there is a chain of command we are required to follow before getting to the Sheriff.
* I made my recommendations trying to address your concerns and forwarded them Assistant Sheriff Houghtelling (who supervises contracts in Detention & Corrections.) and Commander Madigan.
  + The next best step is to have sit down meeting with the Sheriff to discuss the recommendations.

Mike Carroll then began to talk about what seemed possible and what are the challenges related to implementing the Process and Evaluation Workgroup recommendations. A summary of the dialogue is below:

Initial statements by Mike Carroll.

* + - We are trying to remove criminal history as a reason for automatic denial.
      * We are trying to get ACSO to designate a timeframe where criminal history can no longer be sole or primary reason for denial.
      * Currently, this is discretionary – timeframe is important – but we’re trying to figure out what’s an appropriate period of time? This will likely be case by case decision because not arbitrary.
      * **Jean:** Would the time frame start from the date of the crime or the date a person is released from jail?
        + **Mike:** We’re not sure because some people might have committed other criminal activity while in prison. It is probably not feasible to use only date of the crime.
      * **Bob:** Is there an underlying concern about security?
        + **Mike:** Yes, there are two issues, whether the individual is a concern, and whether the individual has issues with people (inside the jail.)
      * **Neola:** Who is making the determination on a case by case basis? We need to establish some parameters, so we aren’t dependent on the person sitting in the seat.
        + **Mike:** Yes, we’re trying to create our site clearance, so it has multiple levels of review Sergeant, Lieutenant and then Captain. This is an improvement from current policy where there’s nothing after Sergeant.
      * **Charlie:** Do you have data indicating concerns?
        + **Mike:** I don’t know where to get that data – if you show me, we will review it.
      * **Charlie:** If Alameda County Behavior Health contractors hire someone, they’ve been vetted through a hiring process, so does this help?
        + **Mike:** I see what you’re saying, but other decision makers in the Sheriff’s Office may see the issues differently.
      * **Neola:** Would it help if individuals submit letters of support?
      * **Mike:** We are planning to make some amendments to the issue around family members – we will change the word “will” to “may” be a reason for denial – because you might not know whether someone is in custody. What’s important is honesty.

The conversation then moved to the appeal process, currently denied applicants must proactively initiate the appeal process. The Workgroup has put forward amendments to this process. Below is the summary the discussion around the appeal process.

* + - * **Rodney:** You must know to contact the Sheriff if you are denied entry. We want more clarity for the applicant.
      * **Deep:** We had someone in our office who didn’t hear back after contacting the Sheriff’s office.
        + **Mike:** Apologies, we have 2 people whose job is to do that, which can sometimes cause a problem.
      * **Rodney:** Can you clarify what language will be added?
        + **Mike:** We’ll add language directing people to please contact Inmate Services re: denial and notify people they have right to appeal.
      * **Deep:** Is this appeal process for both Administrative and Inmate Services?
        + **Mike:** Yes.
      * **Charlie:** When someone is denied, will they get an email?
        + **Mike:** We can add something (to our policy) about notifying in writing and send in a timely manner.
      * **Neola:** Can you put in writing that the denied applicant can find out why they were denied and how they can appeal?
        + **Mike:** Yes, that’s already on the proposed policy update I sent onto the Commander and Assistant Sheriff.
    - **Charlie:** Notification should provide info on the appeal hearing process; can you also include the ability to bring character reference / letter?
      * **Rodney:** If a person is denied, can you tell them they can bring someone to the appeal hearing?
      * **Neola:** Is the appeal in person or on paper?
        + **Mike:** Right now, on paper. We don’t have the staff to set up in-person appeals process.
      * **Rodney:** How many appeals a year do you have?
        + **Mike:** Maybe 10-15/month total. We are short on staff right now. We have 34 deputies assigned per shift – for a hospital run, it takes 12 bodies – so then everyone else must cover the housing units.
      * **Rashad:** Could we cut the multiple levels of paper review and go straight to an appeal hearing?
      * **Jean:** Could the Captain explain to the CBO (in the case of a CBO with a County contract) why the denial is happening, so they can decide whether it’s worth proceeding?
        + **Mike:** I’m the Captain at Glenn Dyer – I read their denials and justifications – I don’t have time for another meeting.
      * **Neola:** I heard some people appeal beyond the Captains even now.
        + **Mike:** I wasn’t aware, but I can see how this happens – depending on the relationships they have with the Sheriff’s leadership.
    - **Mike:** Your request to have the appeal sent within 14 days – I don’t know if this is feasible.
      * **Rodney**: How long does it take now?
        + **Mike:** I can suggest 30 days; 14 days is too tight. I’ll put 30 days and then see the reaction.
      * **Rodney:** Where does the application state there is an opportunity to submit additional information?
        + **Mike:** We notify people when they’re denied. The applicant must call if they want to know the reason.

Mike Carroll placed a phone call to Lt. John Johnson during the meeting to get some clarification on the questions raised at the meetings.

* + **Mike to Lt. Johnson on the phone:** When an applicant is denied, are they notified?
    - **Lt. Johnson’s response on speaker phone:** No, not unless the applicant calls and asks for results.
  + **Mike to Lt. Johnson:** Are they notified when they’re approved?
  + **Lt. Johnson:** They’ll get an email from a technician in Inmate Services. Inmate Services will usually call.
  + **Mike to Lt. Johnson:** If someone is denied and they want to appeal, what does the jail do at that point?
    - **Lt. Johnson:** Usually the Lt. will write memo to Capt. to explain why the applicant was denied, include the reasons they want to go to jail, and Capt. makes decision. The memo states who the person is, organization affiliated, reason for requesting entry into the jail, and any history of jail visit. Usually when someone is denied it’s because of criminal history, so the memo will include that information as well.
  + **Mike to Lt. Johnson:** Can the applicant submit additional info?
    - **Lt. Johnson:** Yes, but they’re not told that they can.

The next part of the discussion was in response to the Workgroup’s recommendations for a different clearance process for staff working with organizations holding County contracts.

* + - **Mike:** Your request that the contractor send their applicant’s information directly to the designated person in the Sheriff’s Office is doable.
    - **Mike:** Your request that ACSO must notify contractor with a decision regarding clearance to enter county jails within seven days would require the contractor to follow up with Inmate Services, opposed to our office notifying the contractor.
      * **Neola:** Do you contact by phone or email?
        + **Mike:** Phone.
      * **Neola:** Can you provide the actual phone number?
        + **Mike:** Yes.
    - **Mike:** Your request that any individual being denied, a meeting must be scheduled within 7 days – this is likely not possible. I think 30 days would be better so that we can have consistent timeframes.
    - **Mike:** Why should this be prioritized over other providers?
      * **Rodney:** The issue of providers who have County contracts being denied entry is the most important concern for this Workgroup.
      * **Neola:** This is an issue for our contractors.
        + **Mike:** But why should these people have priority over say, a mental health therapist?

**Sophia:** Many of these mental health therapists would fall under these contracts as well.

* + - * **Charlie:** I think the Undersheriff would agree with this. Have you presented this to him?

**Rodney:** When I first raised the issue at a CCP EC he said this is a problem we need to address.

* + - * + **Mike:** I’m trying to address this and work with you now, so I’m open.

**Rodney:** Can you give expedited consideration for County contractors?

* + - * **Sarah:** There’s a lot that you’re trying to negotiate, but could you prioritize the policies that you’re recommending?

The discussion then moved to more general questions.

* **Rashad:** Are you changing the policies for drugs?
* **Mike:** Yes, we reduced drug use as a reason for dental from 5 years to 3 years; this is enough time to show sobriety.
* **Rashad:** For violence, if the incident happened between 7-10 years the applicant was denied, has this been changed?
* **Mike:** Not sure, this will be case by case – will need to think through more re: guidance.
* **Neola:** Is the data collection possible?
* **Mike:** I’ll check with John Johnson.
* **Rodney:** The last time he was here, he said a lot isn’t being collected beyond the basic info.

The agreed upon next steps are listed below:

* Mike – has submitted recommendations and will include addendum based on this discussion.
* At our next meeting next meeting the Workgroup will discuss Medi-Cal in jail – will have Bay Legal person join.

The meeting adjourned at 12:07.