



Memorandum

**TO: Public Safety, Finance and
Strategic Support Committee**

**FROM: Councilmember
Pierluigi Oliverio**

**SUBJECT: Procedures, Protocols and
Policies regarding the County Jail**

DATE: March 31, 2008

Approved

Date 3-31-08

RECOMMENDATION

I recommend that the Public Safety, Finance and Strategic Support Committee (PSFSSC) direct the Administration to bring back the information from my questions below to the PSFSSC in May 2008 for further discussion.

- 1). Provide the amount and type of calls the San Jose Fire Department (SJFD) has had to the Santa Clara County Jail (SCCJ) for the following years; 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and January-Present 2008.
- 2). Has the SJFD investigated any of the incidents that have been brought to the SJFD's attention regarding calls to the jail? If so, have any of those incidents warranted the levy of fees due to inappropriate 911-system utilization? (Municipalities that provide 911 response may levy fees for inappropriate 911-utilization similar to those used for false fire alarm responses. This approach was effective December 1, 2002 to help decrease the abuse of the 911 system for interfacility transfers).
- 3). Has the County of Santa Clara Emergency Medical Services Agency provided data illustrating the total responses to the SCCJ?
- 4). Provide the terms of the contract between the City of San Jose Fire Department and the SCCJ for services provided to the jail. Include the length of the contract.
- 5). Provide the written policies that the SJFD, the Department of Corrections and the Sheriff's offices are required to adhere to for jail entry.
- 6). Provide the SJFD's written communications policy regarding how San Jose firefighters are to communicate when inside the jail as well as the wireless communication capability within the jail including; but not limited to, walkie-talkies, cell phones, treo's, blackberry's etc.
- 7). Provide the SJFD's written policy identifying what the "No Hostage" and "Lock Down" protocol is for the SJFD at the SCCJ.
- 8). Provide the written agreement between the SJFD and the SCCJ regarding the circumstances when a patient can be brought to a safe place at the jail; such as a "sally port" for care.
- 9). Provide the City of San Jose planning codes for detention facilities in San Jose. Does the SCCJ meet these codes?
- 10). Is the SCCJ compliant with all regulations regarding emergency responses to correctional facilities? Please provide the appropriate documentation.

PURPOSE

The purpose of my memo is to ensure that the SJFD, Department of Corrections and the Sheriffs Office are adhering to the current policies, protocols and procedures regarding emergency calls to the SCCJ and to determine if new protocols, policies and procedures need to be created and implemented regarding service calls to the SCCJ for all agencies to follow.

BACKGROUND

My memo stems from my concerns regarding the increased calls of service the SJFD receives to the SCCJ which takes the SJFD away from responding to emergencies and everyday safety care services within the neighborhoods.

The jail is unlike any setting the SJFD responds to and has the following hazardous conditions: a known population of suspected and convicted felons; a history of staffing shortages for security and safety personnel; a "no hostage" policy; locked gates/doors that firefighters have no control over and are unable to exit if need be; communication "dead zones" for both portable radios and cell phones; and currently no agreement on the level of medical care provided by the jail. Due to the uniqueness of the jail and the safety issues it possesses, I want to make sure that current policies in place are being adhered to by all agencies when the SJFD responds to the SCCJ.

Historically, the Fire Department Emergency Medical Service (EMS) response to the jail varied, depending upon the period of time that one would investigate. Prior to the implementation of Medical Priority Dispatch System (MPDS), the Fire Department was only responding to EMS calls at the SCCJ when they were specifically requested. With the implementation of MPDS, that changed, and the Fire Department started to respond to all EMS calls at the SCCJ.

Questions and concerns regarding the policies, protocols and procedures regarding the SJFD responding to the SCCJ are not new. In fact, this issue has been discussed at the January and February Fire Department Safety Committee meetings. In addition, this issue has been raised various times over the past eight years. However, there have been incidences (as a result of our firefighters raising their concerns about appropriate procedures not being followed by other agencies) that San Jose firefighters have been accused of not providing care within the jail and accused that they have purposely delayed response times to the jail. Therefore, it appears that the issues of protocol, procedure and policy regarding response times were not thoroughly investigated objectively.

A recent example (Incident #080099278) occurred in January of 2008. A fire engine and crew was dispatched for an inter-facility transfer of an inmate from the SCCJ to the Santa Clara County Medical Center. Firefighters entered the inmate processing area to find approximately ten to twelve inmates confined to a chair by handcuffs. (It appears that the Department of Corrections staff did not initially know that SJFD was dispatched for an inter-facility transport).

The firefighters were told that the inmate in need of medical care was on the second floor. The firefighters requested that there be a correctional officer escort to the second floor of the jail. Once the firefighters were inside of the jail, they had to stop approximately three times and request that unsecured inmates be secured into a cell or shackled to a fixed object before they got to the inmate in need of care. According to the report, there were five inmates that had to be secured during the fire crews' exposure inside the jail.

Current policy indicates that inmates are to be secured *before* firefighters enter the jail; not while firefighters are walking through the jail. Due to the firefighters having to stop and wait for inmates to be secured, their response time to care for a patient was jeopardized. Firefighter's lives were also at risk while the inmates were not properly detained. In addition, I am concerned that the more time fire crews spend at the jail; the less time they are servicing the neighborhoods.

Due to this example and others that have been shared over the course of the past eight years, I think it is prudent that this issue be addressed so that all agencies are aware of their responsibilities regarding SJFD responses to the SCCJ. The SJFD is lauded and emulated by many municipalities and attracts, trains and hires only the top individuals to represent the City of San Jose. The SJFD is dedicated to help all people in need; therefore, it is important that proper protocols, policies and procedures are in place.