

Memorandum

TO: Rules Committee

**FROM: Councilmember
Pierluigi Oliverio**

SUBJECT: SEE BELOW

DATE: September 22, 2008

Approved:

Date:

9-22-08

SUBJECT

Provide direction to the City Attorney, City Manager and the San Jose Fire Department (SJFD), including the Battalion Chiefs who oversee the Fire Stations that respond to the County Jail, to proceed with the creation of a Memorandum of Understanding (MOU) between the City of San Jose and the County of Santa Clara regarding the policies, procedures and protocols regarding the SJFD response to the County Jail.

RECOMMENDATION

- 1). Direct the Administration to move forward with creating an MOU with the County of Santa Clara regarding policies, procedures and protocols regarding the SJFD's response to the County Jail which will include, but not limited to, "All Risk Training" and the SJFD response to emergency calls at the jail.
- 2). Direct the Administration to bring the MOU to the City Council for public discussion and council approval and/or acknowledgement.

BACKGROUND

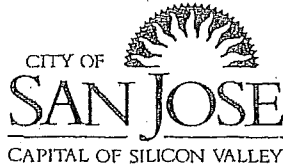
On April 17, 2008, my memo (attached here) regarding my concerns about the SJFD response to the County Jail was heard at the Public Safety Finance Strategic Support Committee (PSFSSC). My motion to have the SJFD look into my concerns and report back to the PSFSSC committee with responses to my questions was supported by the committee. Initially, the SJFD was to return in May with their responses to my ten questions. However, the SJFD asked for additional time to provide a more thorough report. As a result, they will report back to the PSFSSC in October.

The SJFD has been working diligently on this issue since it came before the PSFSSC committee in April. They have held meetings with County officials, the City Manager and City Attorney's offices and have kept my office apprised of their efforts. Most importantly, and perhaps the reason this effort has been met with praise thus far, is that the SJFD has done a considerable amount of outreach to the rank and file; the men and women who serve on the front lines and tend to the jail's emergency calls on a regular basis. In addition, I would like to acknowledge the good work of Geoff Cady and the time he has committed to ensure this issue received the attention it deserved. I am extremely proud of the work the SJFD has demonstrated regarding this matter to date.

At a meeting with the SJFD, City Attorney and my offices, the subject of creating an MOU was raised. Mr. Doyle representing the City Attorney's office indicated that a MOU would be a proactive and pragmatic approach to provide how the policies, protocols and procedures could be collectively agreed upon between both municipalities. It was also stressed that the MOU would need to adhere to the current contract between the City of San Jose and Emergency Medical Services (EMS).

On September 18, 2008 at the Public Safety Strategic Support Committee meeting, I asked the City Attorney's office if I should write a memo asking for my colleagues to support the direction of an MOU. The City Attorney's office response was affirmative; that a memo would be helpful and provide the direction necessary for the Administration to move forward with an MOU.

Therefore, in an effort to continue with the on-going progress of this matter, I respectfully request the support of my colleagues by directing the Administration to move forward with an MOU for council consideration, public discussion and acknowledgement/approval.



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.