



PRISON LAW OFFICE

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Class Action Update May 2019

Chavez v. County of Santa Clara

U.S. District Court for the Northern District of California

Docket No. 1:15-cv-05277-RMI

Overview

The federal class action lawsuit *Chavez v. County of Santa Clara* challenges certain conditions at the Santa Clara County jails, including restrictive housing, medical care, mental health care, dental care, non-mobility disabilities, and excessive force by staff. The lawsuit was filed on November 18, 2015.

If you are in the Santa Clara County jail, you should have received a notice from the County with more information about the lawsuit. Notices also should be posted in the jail, including housing units. Copies of the First Amended Complaint should also be available in housing units. If they are not, please let us know.

The lawsuit does not involve any claim for individual relief. We offer no opinion as to your ability to pursue a case for money damages or other relief and we cannot represent you in such a lawsuit.

Recent Settlement

After three years of extensive negotiations, the parties recently reached a final settlement agreement. Following a period for written comments from people in the jail and a hearing on March 14, 2019 — which included live statements from community members, including Silicon Valley De-Bug — the federal court gave final approval to the settlement on March 20, 2019. Now that the settlement has been approved, independent experts will begin monitoring conditions at the jail and write reports twice a year on the issues covered by the lawsuit.

Key points of the settlement include:

- For all inmates, the County will make several modifications to the intake and booking process to better identify, monitor, and address inmates' medical, dental, and mental health conditions as well as non-mobility and cognitive disabilities.
- For all inmates, the County will improve delivery of medical, dental, and mental health care while in custody through reduced wait times to be seen for health care concerns; revisions to the referral systems; and changes to medication distribution and verification processes.
- For inmates with serious mental illnesses and cognitive disabilities, the County will make system-wide changes to the screening, classification, housing, and management needs unique to these inmates.

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- For inmates at risk of suicide, the County will make additional efforts at suicide prevention through revised triage and screening processes for evaluating inmates with suicidal behaviors, installation of suicide resistant cells, and changes to the way the jail supervises inmates at risk of suicide.
- For inmates with dental needs, the County will improve wait times and expand services to inmates incarcerated for longer periods.
- For inmates with vision, hearing, and speech disabilities, the County will improve its identification and verification processes as well as its issuance, retention, and provision of assistive devices; accommodate these inmates in improved housing; provide for effective communication and programmatic access; and track accommodations provided to these inmates.
- For inmates who engage in violence and, therefore, their contact with inmates and staff must be reduced for the safety and security of the institution, the County will use a new, innovative phased approach, developed in consultation with experts, to house these inmates in what will be known as administrative management. This new approach will include specific admittance criteria and a high-level review for inmates who are retained for longer periods of time; notice to inmates regarding their placement; improved conditions on these units in the form of greater out-of-cell time and more meaningful out-of-cell opportunities; and an opportunity for inmates to demonstrate good behavior and return to a lesser restrictive setting.
- The Sheriff's Office has developed a new use of force policy and implemented extensive training to correctional staff on the policy as well as de-escalation and conflict resolution training.
- Outside experts and Prison Law Office will monitor the County's compliance with the settlement agreement.

Please let us know if you would like a copy of the settlement agreement and we will send you one.

Medical Issues

We cannot assist you with an individual lawsuit. However, we *may* be able to notify County attorneys if we learn of a person who has urgent untreated health care needs that could lead to death or serious permanent injury, or that are affecting activities of daily living, such as toileting, dressing, and eating.

If you believe you have such needs, please write to us detailing your situation, and we will determine if we can assist you. You should also file a white card and request medical assistance from staff.

Mental Health Issues

For mental health issues, you can contact the Mental Health Advocacy Project (MHAP). They can give you information about mental health treatment in the jail. You can call MHAP for free at #38 from the jail speed dial or write to them at:

Mental Health Advocacy Project
Law Foundation of Silicon Valley
152 North Third Street, Third Floor
San Jose, CA 95112

Individual Lawsuits

If you would like to file your own lawsuit about problems in the jail, you should file and “exhaust” a grievance about your problem. That means that you should go through the entire grievance process at the jail to try to resolve your issue.

Separate Lawsuit on Mobility Disabilities

The law firm Rosen Bien Galvan & Grunfeld LLP recently settled a lawsuit against the County about how mobility disabilities are accommodated at the jails. That lawsuit is *Cole v. County of Santa Clara*, N.D. Cal. No. 5:16-cv-06594-LHK. If you have problems related to walking, standing, lifting, and/or ambulating in the jail, or to learn more about the case, you can write to them at:

Rosen Bien Galvan & Grunfeld LLP
P.O. Box 390
San Francisco, CA 94104

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It is helpful for us to hear about conditions in the jail and your thoughts on what needs to be fixed. We sometimes may be able to contact the jail directly about individual issues you are facing. You can also write to us if you have questions about the status of the case. You can write to us at:

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