



2006-2007 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

FOUR ELMWOOD INMATES ESCAPE IN FIVE WEEKS

Summary

Four jail escapes in less than two months have exposed the fact that the Elmwood Correctional Complex (Elmwood) in Milpitas, California, is a security sieve with many problems, that if not addressed, will continue to worsen. In the past six years, there have been seven escapes and eleven attempted escapes at the jail.

Three inmates, orchestrating within a well-planned time frame, scaled four fences on September 3, 2006, the Sunday before Labor Day, to escape in the predawn hours. The one recaptured inmate told authorities that it took only five minutes to escape. On October 7, 2006, the fourth inmate reportedly hitched a ride to freedom hiding in the undercarriage of a County food truck as it exited the jail. However, Department of Correction (DOC) reports and testimony do not provide a cohesive understanding of how the October escape was accomplished.

As a result of the ongoing escapes from Elmwood, in conjunction with the new residences and businesses in close proximity, this Grand Jury conducted an extensive investigation of Elmwood. The Grand Jury's investigation included a tour and an unannounced inspection of Elmwood; two surveillances of the jail's east gate; interviews of Santa Clara County Department of Correction [DOC] officers; and an examination of public and confidential documents. Additionally, the Grand Jury interviewed the Field Representative for the State of California Corrections Standards Authority, responsible for fire, health, and physical plant inspections of jails.

Based on this investigation, the Grand Jury determines the following:

- The stream of eleven attempted and seven successful escapes from Elmwood since 2001 should be of major concern to the Santa Clara County Board of Supervisors (BOS). The BOS has the ultimate responsibility for keeping jails, including Elmwood, secure for the safety of surrounding residents, their families, businesses, officers, employees, and inmates.
- Severe security problems exist in an aging complex that lacks surveillance cameras, halogen exterior lighting, and an effective state-of-the-art alarm control system, despite the fact DOC has identified these needs yearly since 2001. Indeed, most of the barracks where inmates sleep were built in the 1930s and do not meet the minimum State Fire or Building Code requirements for such structures. Despite a one to forty-five officer-to-inmate ratio, Elmwood has been unsuccessful in preventing escapes.

- The management of Elmwood is increasingly reactive rather than proactive. There is a lack of meaningful training and supervision that undercuts morale, dampens enthusiasm, and fosters an acceptance of the status quo in handling day-to-day duties.

Background

In the 1870s, Elmwood was a 119-acre farm where thoroughbred horses were raised. A Victorian mansion, complete with an elegant entrance lined with stately Elmwood trees, completed the pastoral picture. It was sold to Santa Clara County in 1884 for \$24,000 and immediately became an almshouse. Neighbors dubbed the mansion the “palace for the poor.” In 1962, the mansion was demolished to make way for the jail; however, some of the original structures remain and are used as barracks. In fact, currently, inmates located in the minimum camp area cannot be locked in their barracks due to the lack of fire extinguishing systems and an unreliable fire alarm system.

Elmwood is organized under DOC. The Chief of Correction oversees the operation of the facility, which is the fifth largest jail system in California and the fourteenth largest in the United States. Elmwood’s Commander is a Captain who was recently appointed apparently in hope that he will instill confidence, improve morale, and tighten security. DOC also operates the Main Jail (North and South) in San Jose, the North County Jail in Palo Alto, and the Brokaw Day Reporting Center in San Jose.

Elmwood is both a minimum and medium security facility and includes a Correctional Center for Women. Notwithstanding Elmwood’s classification, offenses committed by inmates currently housed there include murder, assault with a deadly weapon, armed robbery, and arson. According to DOC data, as of December 2006, 273 officers have responsibility for keeping 3,050 inmates confined on the sixty-two-acre jail. Correctional officers serve four watch commands daily, which is an average of sixty-eight officers per shift.

The Office of the Sheriff (Sheriff) is responsible for the external security of this jail. Prior to 2003, the Sheriff had eleven deputies assigned to the perimeter patrol duty at Elmwood. In Fiscal Year 2003, the County Executive proposed to eliminate all perimeter deputy positions to save \$395,300, but on June 16, 2004, the BOS decided to maintain two of the deputy positions. Currently, only one deputy is assigned to a twelve-hour perimeter patrol shift at Elmwood, with a backup deputy assigned to fill in for any absences. The deputy covering this shift at Elmwood is also tasked to respond to other locations, such as the Main Jail and Valley Medical Center. A recent thirty-day snapshot provided by the Sheriff of perimeter patrol coverage at Elmwood showed that out of 367 on-duty hours only 311 were spent patrolling the perimeter. Eighty-five percent of those hours were spent at Elmwood, whereas fifteen percent were at the Main Jail or elsewhere. The result is that for fifteen percent of the time there is no perimeter patrol at Elmwood.

Under the 1997 Agreement Between the Office of the Sheriff and the County dated April 15, 1997, the Sheriff has assumed responsibility for perimeter security at Elmwood and “shall assign 11 Deputy Sheriffs from the current complement of staff to these Elmwood perimeter functions.” This agreement has been extended to 2010.

In 2003, Santa Clara County sold fifty-seven acres of its Elmwood property for commercial and residential development. KB Homes has constructed a community of 683 condominiums, town houses, and single-family homes on twenty-nine acres across the street from Elmwood, complete with parks and tennis courts.

Discussion

In 2001, there were two escapes and five attempted escapes from Elmwood that focused attention on Elmwood’s lack of state-of-the art security protection. As a result, budget requests from that year forward sought funding for enhanced security such as lighting, video surveillance and a vehicle sallyport. In fact, budget requests since 2001 have included the following or similar statements:

The existing lighting in the Elmwood Minimum Camp is sub-standard, outdated, and does not allow for adequate illumination at night for staff to appropriately supervise inmate activities. Under existing conditions, this deficiency creates safety concerns for staff, inmates and the facilities (sic) overall security. The existing lighting is more than 50 years old and has not been improved with the exception of electronic timers from the time when the facility was used as a retirement center. The existing lighting was never meant to be sufficient for use in a 1,400 inmate holding facility which it is today.

A July 20, 2001, DOC Facility Security Summary Report, prepared in response to “significant security deficiencies” at Elmwood, recommended installation of surveillance equipment, modern exterior lighting, and an improved fence alarm.

Then, a June 16, 2004, memorandum from a County Supervisor reiterated that:

The Board approved Budget Strategy Statement states that the County has a mission to build and maintain a healthy and safe community for our residents. This mission includes a core service to provide a correctional facility. An essential aspect of providing correctional facilities involves maintaining a secure and safe facility for inmates, staff and the general public. I believe that in the case of the Elmwood facility, a dedicated perimeter patrol is critical to maintaining a safe community for our residents.

Despite these red flags raised by the Supervisor and contained in budget requests submitted to the office of the County Executive annually from 2001 through 2007, the perimeter patrol has not been enhanced. In addition, the County has been very slow in funding surveillance equipment, lighting, fence improvements and a vehicle sallyport. A sallyport is a caged, fenced-in entrance to a jail that requires one gate to be locked before the other can be opened. It is designed precisely to prevent jail escapes

during a vehicular search. State guidelines recommend that jails have sallyports installed for both vehicle and pedestrian traffic.

Not surprisingly, by failing to fund these security measures, the effectiveness of Elmwood has yet to improve. No better yardstick exists for measuring the adequacy of an organization than its own track record, and at Elmwood, measuring the four escapes and three documented attempted escapes in 2006 against the two escapes and five documented attempts in 2001, it is clear no progress has been made.

One important ingredient for success is training. The control room is Elmwood's alarm nerve center. It is the electrical pulse taker of the twenty-one zone touch-sensitive alarm points on the perimeter fence. Its purpose is to alert control officers at the point on the fence line an inmate is attempting to escape. None of the control room officers responsible for monitoring and operating this alarm system were given formal training on the system's operation or capabilities. They were trained by "word-of-mouth" from other officers who likewise were "trained" that way. The officers were told how to test the alarm system zones, but no training was given on the system capabilities, which explains how an important part of the audio capability was turned off for two years without anyone's knowledge. After the multiple Labor Day weekend escapes, officers were unable to retrieve zone alarm records from the system. A microchip was missing from the system. A vendor inspection noted underutilization of the system and identified maintenance and sound alert functionality issues. There were no system operational manuals available for reference by the officers.

One of Three 2006 Attempted Escapes

On June 21, 2006, an inmate, jailed for only five days, attempted to escape by climbing over an interior gate. His attempt failed when he set off a fence alarm and became stranded between two razor-topped wire perimeter fences. This failure appears to have provided an example for the successful Labor Day weekend escape three months later.

Escape One – Labor Day Weekend

Shortly after the routine 0300 headcount was taken, the watch command changed, and the Sheriff's patrol went off duty on September 3, 2006. Three inmates seized the moment and left their barracks. They quickly grabbed a twenty-one foot pole out of an industrial storage area by crawling through a two-foot hole in an inner fence near the shed. Authorities said the hole had been cut by inmates at least a week prior to their escape. Next, the inmates used a weight lifting machine as a ladder to climb onto the barracks roof and then onto an adjacent interior fence. At approximately 0317, the inmates set off a fence alarm and an officer was sent to the sensor point to investigate. Afterward, investigators opined the inmates had been resting on the overhead concertina wire while the responding officer inspected the scene and, seeing nothing unusual, ordered the alarm cleared. Once the officer cleared the area and left, investigators believe the inmates used the pole to pass over the two fourteen-foot perimeter fences, run to the final outer eight-foot fence, climb that fence, use an

adjacent pine tree to reach the ground, ditch their jail clothes, and then crawl through a culvert near the Great Mall Parkway. Investigators believe the trio was then picked up by an outside co-conspirator because K-9 search dogs lost the scent of the escapees at the curb near the culvert.

What Went Wrong?

1. The inmates had close to ten hours to get away. DOC's time line shows that in response to the fence alarm, an officer was sent to the sensor point at 0300 where he promptly notified the control officer that nothing was amiss. Accordingly, at 0317, the control officer cleared the alarm. At 0718, over four hours after the post alarm, the acting captain in charge was finally informed of a possible escape. Then at 1240, over nine hours after the alarm sounded, a statewide "Be On the Lookout" (BOL) alert for the three escapees was finally issued.
2. The Sheriff's one-man perimeter patrol, not coincidentally went off duty at 0300 on September 3, 2006, at the time the watch command changed and the inmates commenced their escape. The predictability of the deputy's patrol shift, and the knowledge there would be no subsequent patrol, made the escape possible and greatly lessened the chance of capture.

Escape Two – October 7, 2006

Less than five weeks later, on October 7, 2006, a trusty (inmate given special privileges based on behavior) left his post on the hot food line in the jail mess hall sometime during the afternoon hours. Correction officials suspect that he climbed under one of the County food trucks that was backed up to the loading dock abutting the food preparation area and wedged himself above the under-carriage and was driven to freedom when the truck rolled out the east gate.

The east gate at Elmwood is the vehicular artery that controls traffic in and out of the complex. Several hundred vehicles pass through this gate every weekday. East gate is Elmwood's weakest point due to its having no sallyport to aid in controlling traffic.

Typically, the east gate is manned by a single officer per shift. A clever inmate could escape by simply using an exiting truck as a shield when the officer is distracted while inspecting the truck from the other side. Indeed, an officer assigned to the east gate testified he thinks that is exactly how the October 7, 2006, escape happened. He also said he feared multiple inmate escapes through the gate.

On November 6, 2006, the Grand Jury surveyed the east gate for two hours, during which the officer failed to follow prescribed procedures concerning inspection. POST orders (detailed shift duties for officers) expressly state that mirrors with long handles will be used to inspect under a vehicle and over a vehicle's roof. On December 27, 2006, the Grand Jury conducted a follow-up surveillance of the east gate and observed four vans exiting the gate, none of which were inspected in any manner.

What Went Wrong?

1. The kitchen at Elmwood is used to prepare 5,000 meals a day to feed all inmates confined in the County's jails, including juvenile ranches in San Jose and Morgan Hill. Some two hundred trusties are assigned to kitchen duty and only one officer is assigned to watch the comings and goings of these trusties during each shift. One of the officers assigned kitchen duty testified it is impossible for one officer to keep track of the whereabouts of two hundred inmates.
2. Three County food trucks a day leave Elmwood to distribute the meals to other facilities at 1000, 1400, and 1800. Inmates load meals into these trucks, which park at the loading dock that is approximately fifty yards from the east gate. Moreover, inmates eat in an unfenced area next to the loading docks. Hence, the sole officer charged with overseeing the 200 kitchen trusties does so as these inmates prepare food, load trucks, eat and take breaks, such as bathroom or infirmary visits for pills.
3. The close proximity of the kitchen, loading, eating, and laundry areas contributes to the inability to effectively supervise inmates. For example, an inmate whose October 4, 2004 attempt to escape failed was caught wearing civilian clothes she took while working the laundry.
4. The October escapee disappeared from the hot food line and due to a lack of supervision was not discovered missing until 1830. DOC records show his escape occurred sometime between 1400 and 1830. The aftermath of the October 7, 2006 escape proved as ominous as the confusion surrounding the inmate's method of exit. On October 12, 2006, the escapee led Sheriff's deputies on a car chase that ended with the escapee's death and one of the deputies being injured.

Facts

1. There is inadequate control of vehicles entering and leaving the jail. The east gate is not secured by a sallyport. Even though this security lapse was reported by the 2002-2003 Civil Grand Jury, the BOS is yet to fund a sallyport.
2. The repeated budget requests for funding have been based on the determination that improved lighting would deter future escapes and enhance officers ability to control evening movement within the minimum camp and the rest of the complex.
3. Specific training, supervision, and written procedures for specialized areas are lacking.
4. One officer oversees two hundred kitchen workers. Officer patrol of the minimum camp barracks areas at night is sporadic.

5. There is no surveillance by video cameras of the perimeter fence line of the jail. Although repeatedly sought by DOC, cameras have yet to be funded by the BOS.
6. Elmwood's minimum camp barracks do not meet State Building and Fire Code standards. A fire sprinkler system does not exist throughout all requisite areas, and the current fire alarm system is inconsistent and unreliable. As a result, the barracks cannot be locked at night because of fire code violation.
7. Under the Agreement between the Office of the Sheriff and the County dated April 15, 1997, the Sheriff has assumed responsibility for perimeter security at Elmwood and "shall assign eleven Deputy Sheriffs from the current complement of staff to these Elmwood perimeter functions." This Agreement has been extended to May 31, 2010.

Findings

- F1:** Security at the Elmwood Correctional Complex is inadequate and is a public safety threat. The Sheriff's perimeter patrol at Elmwood was reduced from an eleven-officer staff down to only two because of budgetary choices. Only a single-officer patrol is on duty for a twelve-hour shift. If an exterior patrol had been on duty during the predawn hours of September 3, 2006, the breakout could likely have been prevented. Certainly, the escapees would not have had nine hours and forty minutes to get away. Public safety is of particular concern because there are 683 newly built residences across the street from the jail.
- F2:** There is inadequate staffing in critical areas such as the barracks areas at night, the food preparation building, and the vehicle gate. The minimum camp is sporadically patrolled at night. There is only one officer on duty in the food preparation area to control 200 working inmates. There is usually only one duty officer on the east gate to inspect several hundred vehicles leaving and entering the jail daily.
- F3:** Despite repeated requests for security improvements and updates in the DOC budget submissions to the office of the County Executive, funding has been very slow in coming. Some of these requests go back more than seven years. These requests included vital issues such as a modern control center, surveillance cameras, exterior lighting, and a vehicle sallyport.
- F4:** By failing to address any of these public safety concerns in a timely manner, the county places itself under significant public scrutiny should future escapes occur and an individual gets hurt or killed in the process.
- F5:** County fire officials recently conducted a comprehensive review of the fire alarm system at Elmwood and found that "most if not all, of the buildings" in the minimum camp, "do not meet minimum fire and building code requirements for detention facilities. They are built of non-rated construction, and most of them lack sprinkler systems, which are just two of the basic minimum requirements for detention facilities." As the result of this fire code violation, inmates cannot be locked up in their barracks at night.
- F6:** Training is inconsistent. Control center officers rely on "word-of-mouth" instructions to perform their jobs. As a result, they failed to know that important alarm system functions were not functioning over a two-year period. Alarm system manuals were not available for reference.

Recommendations

The 2006-2007 Civil Grand Jury recommends the following actions:

- R1:** Fulfill the Agreement between the County and the Sheriff restoring adequate staffing to the Elmwood perimeter patrol.
- R2:** Allocate sufficient DOC officers in critical areas to keep inmates confined and the public safe.
- R3:** Prevent critical public safety items, such as an updated control center, surveillance cameras, exterior lighting and secured gates from being passed over during the budget process. The BOS should immediately fund critical security items for County jails. The slow pace of funding these vital elements by the Office of the County Executive disregards the County's duty to protect the public and secure its jails.
- R4:** Remedy the identified security issues to restore and maintain public confidence in the Elmwood Correctional Complex's public safety mission.
- R5:** Bring the barracks in the minimum camp up to fire code standards on an urgent basis so that inmates can be locked in their barracks at night to help deter escapes.
- R6:** Review, implement and document training procedures and make operation manuals available for officer review and reference in specialized areas.

BIBLIOGRAPHY

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- Santa Clara County 2001-2002 Grand Jury Final Report. *Inquiry Into Jail Break and Riot Incidents at Department of Correction Facilities*. May 2002.
- Santa Clara County Department of Correction. *Attempted Escape from Custody*. Elmwood Correctional Facility. July 21, 2006.
- Santa Clara County Department of Correction. *Escape from Custody PC 4532*. Elmwood Correctional Facility. September 3, 2006
- Santa Clara County Department of Correction. *Summary of All Escapes and Attempted Escapes 2001-2006, Item G*. October 3, 2006.
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- Santa Clara County Department of Correction. *Elmwood Complex Men's Facility PC 4532*. October 7, 2006.
- Santa Clara County Superior Court. 2006-2007 Civil Grand Jury. *Transcript of Proceedings*. November 20, 2006.

Visitations and Interviews

August 9, 2006	Grand Jury tour of Elmwood Correctional Complex.
October 05, 2006	Department of Correction presentation to the Grand Jury.
October 25, 2006	Meeting with Sheriff commanders.
November 06, 2006	Grand Jury unannounced surveillance of Elmwood east gate vehicle entrance and exit.
November 08, 2006	Grand Jury unannounced inspection of Elmwood Correctional Complex.
November 13, 2006	Meeting with Sheriff commanders.
November 13, 2006	Meeting with Office of the County Executive.
November 20, 2006	Depositions, Santa Clara County Superior Court
December 05, 2006	Interview, Field Representative for the State of California Corrections Standards Authority
December 20, 2006	Follow-up meeting with Office of the County Executive.
December 27, 2006	Second Grand Jury surveillance of Elmwood east gate vehicle entrance and exit.

County Department of Correction Elmwood Complex



This aerial photograph of the 62-acre Elmwood Correctional Complex looks east and shows the visitors parking and west gate in the foreground and the east gate vehicular entrance on Abel Street in the background.

APPENDIX A

KEY EVENTS TIME LINE OF SEPTEMBER 3, 2006 ESCAPES

0300 hours	Jail headcount cleared by watch team change
0300 hours	Fence alarm sounds behind Barracks 20/21
0317 hours	Alarm investigated by officer then cleared and reset by control room officer
0642 hours	Control advised of possible missing inmates
0718 hours	Jail commander notified of possible escape
1240 hours	County Communications issues Statewide BOL "Be On Lookout" for missing inmates.

- From the moment the fence alarm sounded, to notification of the jail commander, there was an elapsed time of four hours and eighteen minutes.
- From the moment the fence alarm sounded, to the issuance of a Statewide all points bulletin, there was an elapsed time of nine hours and forty minutes.

Appendix B

SYNOPSIS OF ELMWOOD ESCAPES AND ATTEMPTS 2001-2006

May 18, 2001, Attempt – Inmate was captured exiting west gate.

May 8, 2001, Attempt – After successfully crawling onto roof, inmate was apprehended within security perimeter.

June 25, 2001, Attempt – Inmate was observed climbing over inner fence.

July 8, 2001, Escape – Using stacked boxes and purportedly a knife left for them in a visitors' booth, two inmates crawled through a false ceiling to the unsecured visitors' room and walked out in civilian clothes.

July 22, 2001, Attempt – Inmate crawled through a false ceiling.

September 29, 2001, Attempt – Inmate climbed inner fences and was caught one hour after an alarm activated.

June 26, 2003, Escape - Between 2030 and 2200, inmate climbed a fence to reach the roof and then climbed down using a tree. Apprehended in Stanislaus County.

October 4, 2004, Attempt – Inmate climbed inner fence, setting off alarm. Captured while wearing civilian clothes, which she obtained six weeks previously, while working in the jail laundry.

May 10, 2005, Attempt – Inmate showed false identity at release area.

December 16, 2005, Attempt – Inmate climbed inner fences and was apprehended at south gate.

January 23, 2006, Attempt – Inmate showed false identity at release area.

April 30, 2006, Attempt – Inmate used electrical conduit to climb onto a sun deck.

June 21, 2006, Attempt – Inmate climbed over interior fence around 2300, but was caught between two perimeter fences due to the activation of the alarm.

September 03, 2006 Escape – Three inmates climbed over four fences around 0300, when the officer shift changed and Sheriff's perimeter patrol ceased. Believed to have then fled in a waiting vehicle. One was recaptured having breakfast in a local restaurant. Two are still at large.

October 07, 2006 Escape – Authorities posit inmate rode out of the east gate under County food truck by hanging onto carriage suspension. Alternate theory is inmate simply walked out of the east gate using an existing vehicle as a shield. Several days later, during a car chase, he was killed and a sheriff's deputy was injured.

Summary of Escapes & Attempted Escapes 2001-2006

Number Of Escapes

- ***Total Escapes*** **7**
- ***Total 2006 Escapes*** **4**

Number Of Attempted Escapes

- ***Total Attempted Escapes*** **11**
- ***Total 2006 Attempted Escapes*** **3**

Total Results

- ***Inmates At Large*** **2**
- ***Inmates Captured*** **4**
- ***Inmates Killed Evading Capture*** **1**

ACRONYMS, DEFINITIONS

BOL	BE ON LOOKOUT
BOS	SANTA CLARA COUNTY BOARD OF SUPERVISORS
COUNTY	SANTA CLARA COUNTY
DOC	DEPARTMENT OF CORRECTION
ELMWOOD	ELMWOOD CORRECTIONAL COMPLEX
INMATE	A PERSON CONFINED IN A COUNTY JAIL (THE TERMS INMATE, PRISONER, PRISON AND JAIL HAVE BEEN DEFINED BY THE STATE LEGISLATURE)
JAIL	A COUNTY INSTITUTION WHERE INMATES ARE CONFINED
PC	PENAL CODE
POST	PEACE OFFICER STANDARDS AND TRAINING
PRISON	A CALIFORNIA STATE INSTITUTION WHERE PRISONERS ARE CONFINED
PRISONER	A PERSON CONFINED IN A CALIFORNIA STATE PRISON
TRUSTY	INMATE GIVEN SPECIAL PRIVILEGES BASED ON GOOD BEHAVIOR

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 3rd day of January 2007.

Ronald R. Layman
Foreperson

David M. Burnham
Foreperson Pro tem

Kathryn C. Philp
Secretary