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Action of supervisors fails to stop women's jail lawsuit

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A two-hour Board of Supervisors review of 36 problem areas at the Elmwood women's jail in Milpitas failed to head off a threatened lawsuit.

The Board on Tuesday ordered an immediate improvement in screening for communicable diseases but referred most of the issues to the county executive or sheriff's department for further review.

Robert A. Baines, representing the law foundation of the Santa Clara County Bar Association, responded by filing a federal lawsuit a few hours after conclusion of the Board hearing.

Baines had warned the supervisors several times that the foundation would go to the courts if the county did not act quickly to bring conditions at the women's jail up to the same standards as the men's facilities.

The 36 problem areas were pinpointed by members of a committee studying female prisoner needs. They claimed in a report in August that they were "shocked and appalled" by jail conditions.

The specific, short-term problems were outlined for supervisors Tuesday by committee member Suzie Cohen, a planner for the Mexican-American Community Services Agency.

She said that more than 15 hours of discussions with representatives of the sheriff's department and county executive's staff resulted in improvements in visiting regulations and jail-supplied clothing for inmates on outside work programs.

Mrs. Cohen added, however, that the list of immediate concerns does not address the long-term problems of providing a new minimum-security jail and major health and recreation improvements.

Baines explained late Tuesday that the lawsuit was filed to help speed up handling and resolving of the more difficult housing and service issues.

To take care of an immediate concern, supervisors Tuesday approved expenditure of $5,200 now to expand doctor service and future expenditure of $32,000 to pay for two more nurses to check for communicable diseases when a new medical wing is completed.

Recommendations made by the task force and sent on for further review by supervisors included hiring a cook or finding a better way to haul food from the men's jail, increasing educational classes, offering couples counseling, and providing free telephone calls.

The committee also called for a clearer definition of rules and regulations at the women's jail, improved job programs, and provision of special facilities for women with mental health problems.

Supervisors have been wrestling with the need to provide equal facilities for women for several years. Men have separate jails for high-risk and low-risk inmates while all women prisoners are housed at Elmwood. Supervisors approved last month a county-owned apartment building near the Civic Center as a site for a pilot rehabilitation center for 14 minimum-security women and their small children.

Named as defendants in the suit are Sheriff James M. Geary and Supervisors Dominic L. Cortese, Rod Diridon, Dan McCorquodale, Sig Sanchez and Geraldine F. Steinberg.

The suit also listed the following shortcomings in the facility:

Exercise areas exceedingly small and underequipped and access limited for pre-trial women, visiting area restrictive, privacy virtually non-existent, high noise level, and inadequate medical attention.

The suit said that by contrast, male prisoners are housed in maximum, medium or minimum security settings, depending on classification and behavior.

"Ninety per cent of sentenced men are housed in a minimum security setting where they are allowed to roam a seven-acre facility with its open dormitories, garden-type grounds, expansive visiting area, easy access to telephones, playing fields and courts for baseball, volleyball, basketball, handball, horseshoes, plus other recreational facilities such as Ping-Pong rooms, television rooms, weight-lifting rooms and craft rooms," it said.

"Ironically, this facility is immediately adjacent to the women's maximum security facility.

"Yet, the women are not allowed access to its grounds, except the visiting area at limited times."

The suit also said that the "social, educational and rehabitational programs offered to sentenced women are significantly less than those accorded to sentenced men."

"This is partly the result of the maximum security setting imposed on all women, making the rehabilitational programs offered to them less effective than similar programs accorded to men in their minimum security setting."

The suit further maintained that all of the sentenced women in the facility would be eligible for a minimum security setting and its programs "if the same eligibility criteria were applied to them as are applied to male prisoners."

Pre-trial women inmates who are "presumptively innocent" also are victims of discrimination, it said.

"Not only is there no similar medium security setting as is available to a portion of the pre-trial men, but virtually all pre-trial women are housed in the most restrictive cell-block wings of the facility.

"These restrictions imposed on all pre-trial women are often much more severe than those minimally necessary to insure their appearance at trial and often interfere with or prohibit effective preparation for trial."

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