

Alameda County Sheriff's Office

Santa Rita Jail
5325 Broder Boulevard, Dublin, CA 94568-3309



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

NOTED + FORWARDED
TO SHERIFF AHERN
R.T. Leicauls
3/20/17

MEMORANDUM

DATE: February 8, 2017

TO: Gregory J. Ahern, Sheriff

FROM: Jason H. Arbuckle, Lieutenant

VIA: Chain of Command

SUBJECT: PRISON RAPE ELIMINATION ACT ANNUAL REPORT 2016

A 3/21/17

REVIEWS AND FORWARDS
03/03/17

MMK/MS
3-16-17

DISSES CAPTAIN
RECEIVED
FORWARDED TO
CMDR. MADIGAN

The Prison Rape Elimination Act (PREA) requires all law enforcement agencies with detention facilities of any kind to create an annual report of all sexual abuse and sexual harassment incidents reported within its facilities. This report must be completed, submitted to the Agency head, and made public via the agency's Internet website.

Additionally, we must identify problem areas and take corrective action on an ongoing basis. This report must include a comparison of the current year's data and corrective actions along with those from prior years and must provide an assessment of our progress in addressing sexual abuse.

On August 1, 2013, the Alameda County Sheriff's Office (ACSO) implemented PREA standards, providing educational and informational material to inmates and training to staff. This staff training consisted of a new General Order, a Training Bulletin, and assigned staff to present PowerPoint presentations agency wide. Refresher training is mandated every two years. The Alameda County Sheriff's Office is dedicated to providing the safest facilities possible for those in our custody. Therefore, refresher training is provided agency wide on an annual basis. In addition to the annual refresher training provided agency wide, Detentions and Corrections staff also receive more specific training annually, including how to identify victims, crime scene protection and processing, and victim rights under PREA.

A toll free "hot line" is provided at both jails for all inmates so they can confidentially report sexual abuse or harassment, as well as seek outside advocacy and counseling from a community organization not affiliated with the Sheriff's Office. The agencies who take these calls, by PREA standards, must be independent and not affiliated with the Sheriff's Office. Bay Area Women Against Rape, Highland Hospital Sexual Assault Center, and Tri Valley Haven for Women provide these services to the Sheriff's Office at no cost to the inmate.

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During 2016, these agencies received 164 calls on the confidential telephone line. 160 calls were made from Santa Rita Jail and 4 were made from Glenn E. Dyer Detention Facility (GEDDF). A total of 96 on site counseling visits were made by Tri Valley Haven to Santa Rita Jail.

Additionally, Tri Valley Haven began presenting group classes for victims of sexual abuse and domestic violence in 2016. These one hour classes are designed to provide group therapy and are focused on sexual abuse and domestic violence survivors. Both classes were well attended during 2016, and the instructors from Tri Valley Haven received high praise from those who completed the course. A total of 152 classroom hours were offered to female inmates at Santa Rita Jail. These classes have proven to be very popular and often have a waiting list.

During 2016, material informing inmates how to avoid and report sexual assault and harassment continued to be provided. This material was distributed through various media formats, including the Inmate Orientation video, the Inmate Rules and Regulations, and handouts provided to all arrestees at Intake. Information on reporting abuse and harassment is posted in all inmate common areas throughout the facility. Additional ongoing inmate education, including the video from Just Detention International on sexual abuse prevention was provided on a weekly basis in both facilities.

In August of 2016, Santa Rita Jail was audited by a United States Department of Justice certified PREA Auditor. The audit lasted three days and encompassed every aspect of the entire facility where inmates and staff have contact. An extensive review of PREA related documentation, including agency policies, was conducted by the auditor prior to her arrival. Once at the facility, she spent time speaking to approximately 120 inmates and 35 staff members, ensuring inmates and staff alike were aware of their rights and responsibilities under PREA, as well as examining inmate living, recreational, and work areas. The certification of compliance to PREA standards awarded to Glenn E. Dyer Detention Facility and Santa Rita Jail in 2016, resulted in the Alameda County Sheriff's Office being only the third agency in the State of California to be PREA certified at all its facilities.

In 2016, there were a total of 49 reports filed by inmates complaining of sexual abuse or harassment in Alameda County Jails, an increase of 26% over 2015. This increase is primarily due to increased reporting at Glenn E. Dyer Detention Facility and will be addressed in detail later in this report. There was one report of sexual harassment filed at the Rene C. Davidson Courthouse and two reports of abuse made by inmates which occurred outside of Alameda County Sheriff's Office facilities. These reports are not accounted for below, leaving 46 reports of sexual abuse or harassment within Detention and Corrections facilities. Thirty-six of the complaints filed by inmates were housed at Santa Rita Jail and 10 by inmates housed at Glenn E. Dyer Detention Facility (GEDDF). A breakdown of the complaints is listed below:

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GLENN E. DYER DETENTION FACILITY (GEDDF)

<u>VICTIM</u>	<u>ACCUSED</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Victim Moved
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded

SANTA RITA JAIL (SRJ)

<u>VICTIM</u>	<u>ACCUSED</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
Inmate	Inmate	Attempted Sexual Battery	Unfounded
Inmate	Inmate	Consensual Sexual Contact	Both moved
Inmate	Inmate	Indecent Exposure	Suspect Charged
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Not Sustained
Inmate	Inmate	Sexual Battery	Not Sustained
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Harassment	Victim Moved
Inmate	Inmate	Sexual Harassment	Victim Moved
Inmate	Inmate	Sodomy	Unfounded
Inmate	Inmate	Voyeurism	Unfounded
Inmate	Staff	Indecent Exposure	Unfounded
Inmate	Staff	Sodomy	Unfounded
Inmate	Staff	Penetration w/foreign obj.	Unfounded
Inmate	Staff	Penetration w/foreign obj.	Unfounded
Inmate	Staff	Penetration w/foreign obj.	Unfounded

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<u>VICTIM</u>	<u>ACCUSED</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
Inmate	Staff	Penetration w/foreign obj.	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded

Throughout both jail facilities, there were a total of 18 reports of sexual harassment, 17 reports of sexual battery, four reports of penetration with a foreign object, two reports of sodomy, two reports of indecent exposure, one report of voyeurism, one report of an attempted sexual battery, and one report of consensual sexual contact. Of the 46 reports within Detention and Corrections, 24 were against staff and 22 were against other inmates.

Of the 22 reports involving inmate on inmate contact, nine were for sexual harassment, eight of the reports were for sexual battery, one report was for an attempted sexual battery, one report of sodomy, one report of indecent exposure, one report of voyeurism, and one report of consensual sex. All reports were thoroughly investigated and 20 of the reports were determined to be unfounded.

Two reports were determined to be “Not Sustained” due to the victim’s inability to identify the suspects. Sufficient information was not available to conclude the report to be unfounded or with merit. One case is still open as the investigators have been unable to contact the victim. The remaining reports of sexual abuse were investigated thoroughly and determined to be unfounded.

In regards to the nine reports of inmate on inmate sexual harassment, the suspected parties were reclassified to a different housing unit in all but two cases. In those events, in the interest of safety, the victims were moved to other housing units within their classification to ensure their safety.

There were 24 reports which listed ACSO staff as suspects. All of these cases were thoroughly investigated and determined to be unfounded. Several of these unfounded allegations were determined as such based upon body worn cameras that were in use at the time of the alleged event.

There was a 61% increase in reports of sexual abuse and harassment against staff in 2016. This is an ongoing trend in reporting. I have reviewed all of the reports and subsequent investigations. It is my opinion, based upon the individual determination of each investigation,

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the increase of reports against staff members, specifically at GEDDF is a direct result of the education we have provided inmates regarding PREA. Inmates have developed a very good understanding of Sheriff's Office policies, and PREA mandates that the accused staff member is removed from the housing unit until the investigation is complete. In several investigations, it was validated that inmates use this as a tool against staff when they decide they do not want the deputy working the housing unit in which they reside. Inmates have adapted to the rights provided them under PREA and now have an extensive understanding of how to manipulate and abuse the PREA standards to their advantage. As a result of the overwhelming amount of false reports, inmates found to have purposefully and maliciously filed false reports continue to be prosecuted criminally when appropriate and their behavior is also documented in disciplinary reports.

After reviewing all 46 reports, it is apparent that all cases were investigated properly and thoroughly, in accordance with ACSO policy and PREA standards. There were three cases in 2016 which were submitted for charging by the District Attorney and as of this writing, one was charged, one was not, and the other is pending review.

I have compiled historical data for the previous seven years (2010-2016) to provide a better representation of all incidents of sexual abuse and harassment throughout the agency. This data covers six temporary holding facilities classified by PREA as "Lockups" (Courts and Patrol) and two jail facilities housing an average of approximately 2,499 inmates on a daily basis during 2016.

2010-2013	Sexual Harassment	Sexual Battery	Sodomy	Penetration with a Foreign Object	Forced Oral Copulation	Total
Dorm	0	2	1	0	1	4
Cell	2	1	4	0	0	7
Common Area	1	1	0	0	0	2
ITR	0	1	0	1	0	2
Other	0	2	0	0	0	2
Total	3	7	5	1	1	17

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2014	Sexual Harassment	Sexual Battery	Sodomy	Penetration with a Foreign Object	Forced Oral Copulation	Total
Dorm	3	0	0	0	0	3
Cell	8	6	0	1	3	18
Common Area	0	0	0	0	0	0
ITR	0	2	1	0	0	3
Other	2	2	2	0	0	6
Total	13	10	3	1	3	30

2015	Sexual Harassment	Sexual Battery	Sodomy	Penetration with a Foreign Object	Unspecified Sexual Assault	Total
Dorm	0	0	2	0	0	2
Cell	6	3	2	4	2	17
Common Area	1	1	0	0	0	2
ITR	1	1	0	0	1	3
Other	4	1	1	0	1	7
Total	12	6	5	4	4	31

2016	Sexual Harassment	Sexual Battery	Sodomy	Penetration with a Foreign Object	Unspecified Sexual Assault	Total
Dorm	1	2	0	0	2	5
Cell	10	6	0	0	2	18
Common Area	3	4	0	0	0	7
ITR	2	1	2	0	1	6
Other	2	4	0	4	0	10
Total	18	17	2	4	5	46

Of the 17 reports taken during 2010-2013, nine occurred in living areas (dorm or cell) of the housing unit, five occurred in various other common areas of the housing unit (Day room, tier, yard, etc.), two incidents occurred in Intake, Transfer and Release (ITR) and one in a transport van.

In reviewing all of reports since 2010, excluding those determined to be unfounded, inmates are typically victimized by other inmates and these crimes primarily occur in inmate living areas, where the inmates have a certain amount of concealment from staff. This trend continued into 2016.

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The Alameda County Sheriff's Office conducts hourly checks of all inmates in accordance with California Title 15 section 1027. These checks are documented in General Observation Logs. We are audited by the Board of State and Community Corrections (BSCC) every two years and our most recent audit was in 2016. During the inspection, our General Observation Logs were determined to be in compliance.

The security upgrade project at Santa Rita Jail, which will include the installation of fixed video cameras in the common areas throughout the facility, will provide better monitoring of the inmates in our care and reduce concealment in these areas. This project was funded by the Board of Supervisors in June of 2016 and is moving forward.

While the Sheriff's Office provides orientation and continued PREA education to inmates, there continues to be an increase in false allegations against staff. It also appears inmates are using the report of sexual abuse or harassment as a tool to have other inmates moved out of housing units for a variety of reasons. In 2016, the 61% increase in reports against staff, all of which were determined to be unfounded, indicates an increased level of sophistication by inmates who have become educated in PREA standards and may now be using these standards as a tool against staff when they disagree with or dislike a staff member. Several investigations have resulted in a determination of "Unfounded" based upon inmates' admissions of using the system as a method to manipulate staffing. Regardless, our staff continues to take their duty to investigate a report of this type very seriously and has done an excellent job in handling these incidents in a professional manner.

PREA mandates an "adequate level of staffing" for confinement facilities. Staffing has held steady at Santa Rita Jail throughout 2016. While there is no set number to equate with the word "adequate," supervisors continue to find it extremely challenging to maintain daily minimum staffing levels.

The regularly assigned staff at Santa Rita Jail continues to do an outstanding job of managing care, custody and control of our inmates. They work very hard every day and interact with the inmates regularly and in a professional manner to ensure the Agency's mission is met.

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Reviewed -
A 3/21/17