

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

MEMORANDUM

DATE: January 26, 2015

TO: Gregory J. Ahern, Sheriff

FROM: Jason H. Arbuckle, Lieutenant

VIA: Chain of Command

SUBJECT: **PRISON RAPE ELIMINATION ACT ANNUAL REPORT 2014**

*C. Kennedy, Cmdr.
031915
1/11/15*

*JHML
3-20-15
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JH, Capt.*

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 assaults and sexual harassment reported within its facilities. This report must be completed, submitted to the Agency head, and made public via the agency's Internet web site.

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 procedures, 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 receives 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 assault or harassment, as well as seek outside advocacy and counseling. The agencies who take these calls, by PREA standards, must be outside agencies. 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 or the Sheriff's Office.

2014 Prison Rape Elimination Act Annual Report

From A

During 2014, these agencies received 228 calls on the hot line. 214 calls were made for Santa Rita Jail and 14 were made from Glenn E. Dyer Detention Facility (GEDDF). A total of 35 on site counseling visits were made by Tri Valley Haven to Santa Rita Jail.

During 2014, educational material informing inmates how to avoid and report sexual assault and harassment was updated in the Inmate Rules and Regulations, the Inmate Orientation video, in handouts provided all arrestees, and posted in all inmate common areas throughout the facility. Additional inmate education is planned for the future.

In 2014, there were a total of 30 reports filed by inmates complaining of sexual assault or harassment in Alameda County Jails. All but one of the complaints filed by inmates were housed at Santa Rita Jail. There was one complaint against a staff member at Glenn E. Dyer Detention Facility. A breakdown of the complaints is listed below:

<u>VICTIM</u>	<u>ACCUSED</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
Inmate	Inmate	Sexual Battery	No Complaint by Victim
Inmate	Inmate	Sexual Harassment	Both Re-Classed
Inmate	Inmate	Sodomy	Uncooperative Victim
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Forced Oral Copulation	Unfounded
Inmate	Inmate	Forced Oral Copulation	Unfounded
Inmate	Inmate	Sexual Harassment	Victim Re-Classed
Inmate	Inmate	Sexual Battery	No Complaint by Victim
Inmate	Inmate	Forced Oral Copulation	Unfounded
Inmate	Inmate	Sexual Battery	No Complaint by Victim
Inmate	Inmate	Sexual Battery	No Complaint by Victim
Inmate	Inmate	Sexual Assault	Unfounded
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Inmate	Sodomy	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Harassment	Suspect Re-Classed
Inmate	Staff	Sodomy	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded (GEDDF)
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Battery	Unfounded
Civilian	Inmate	Indecent Exposure	Case charged by D/A

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There were a total of thirteen reports of sexual harassment, nine reports of sexual battery, three reports of forced oral copulation, three reports of sodomy, one report of unspecified sexual assault, and one report of indecent exposure. Of the 30 reports, 25 were inmate vs. inmate. One incident involved the inmate as a suspect with a civilian court appointed psychiatrist as the victim.

Of the 25 reports involving inmates only, nine were determined to be unfounded, four resulted in no complaint by the victim, and one victim has yet to cooperate with investigators. In all cases that were not unfounded, the victim, the suspect, or both were re-classified and moved out of the housing unit for their safety.

There were four reports which listed ACSO staff as suspects. All of these cases were thoroughly investigated and determined to be unfounded. As previously mentioned, one case involved an inmate who was accused of exposing himself to a female civilian.

As noted on the previous page, the number of reports of sexual harassment and abuse over last year has more than doubled and is the highest we have recorded since we began tracking these complaints. I have analyzed the various factors which may have created the increase in reports, with a specific focus on our classification process. However, the only changes made in the classification of inmates have been to meet PREA standards, which only tightened our already thorough classification process. It is my contention the increase of reports is a direct result of the education we have provided inmates regarding PREA and their rights under the statute. Inmates now understand this type of behavior is unacceptable and they have recourse. I see no areas for corrective action to reduce these complaints.

Unfortunately, there are also those who abuse their rights and file false claims against staff. These claims were thoroughly investigated by Internal Affairs and/or Eden Township Substation Investigations Unit and determined to be unfounded.

After reviewing all reports, it is apparent that all cases were investigated properly and in accordance with ACSO policy and PREA standards. Of all the cases which could have been submitted for charging by the District Attorney, only one was submitted for consideration of complaint against the suspect. I attribute this to inmate culture in general, whereby those who cooperate with law enforcement are viewed by other inmates in a negative manner. By simply reporting the event and not pressing charges, inmates know the suspect will be re-classified and moved to another housing unit and in their eyes, the problem is solved.

I have compiled the data for the previous four years (2010-2013) to get a better representation of all incidents of sexual assault 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 3,000 inmates on a daily basis during 2014.

On the following page is a comparison of 2010-2013 and 2014.

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

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

Of the seventeen 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 (1) 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.

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 2014. During the inspection, our Inmate Observation Logs were not noted as being "deficient," however, it was noted our staffing levels are considered "fragile at best."

The upcoming security upgrade 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. Further and continued education of the inmates and new intake screening tools recently implemented will hopefully reduce the number of incident reports, as the inmate population learns this type of behavior is unacceptable. Our staff takes their duty to investigate a report of this type very seriously and has done an excellent job in handling these incidents.

Our regularly assigned staff is doing an outstanding job of managing care, custody and control of our inmates. They work very hard every day and interact with the inmates regularly. PREA mandates an "adequate level of staffing" for confinement facilities. While there is no set number to equate with the word "adequate", supervisors are often times, finding it extremely challenging to maintain daily minimum staffing levels.

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As you know, mandatory overtime has somewhat alleviated the shortage of staff at Santa Rita Jail for BSCC purposes. Our inmates are out of their cells an average of 30 hours per week in General Population and enjoy a variety of programs designed to help them become productive members of society once released. However, the fact our overtime staff are from other duty stations takes away some of regular programming within the housing unit to create an inconsistent atmosphere, which is counterproductive and creates an officer safety issue.

Furthermore, these overtime deputies are not familiar with the inmates in the particular housing unit. A housing unit is similar to a patrol beat. In a housing unit, deputies get to know their inmates, build a rapport with them, and become familiar with their behavior patterns. This relationship ultimately provides the inmate with the knowledge the deputy will be there when incidents occur and provides the deputy with the insight and knowledge of which inmate may be responsible for any rule violation. This also fosters an attitude of cooperation and compliance with many inmates. When the 50 Sheriff's recruits in the two current academies successfully graduate and are transferred to Santa Rita Jail, staffing conditions will improve greatly.

Providing consistent, assigned staffing at Santa Rita Jail will increase morale and provide a safer environment for staff and inmates alike. Additionally, this will provide a more defensible position in the event an inmate is victimized.

JHA:jha

Attachment

Reviewed -
A 3/23/15

Date	Incident type	Location	Victim	Suspect	Disposition
1/3/2014	Sexual Battery	Cell	Inmate	Inmate	Not charged
1/21/2014	Sexual Harrasment	Dorm	Inmate	Inmate	Not charged
2/13/2014	Sexual Battery	Dorm	Inmate	Inmates	Not charged
2/14/2014	Sexual Assault	Unknown	Inmate	unknown	Unfounded
2/22/2014	Sexual Threats	Cell	Inmate	Inmate	Not charged
2/24/2014	Sexual Battery	ITR cell	Inmate	Inmate	Unfounded
2/27/2014	Sexual Assault	Cell	Inmate	Inmate	Unfounded
3/6/2014	Sexual Harrasment	Cell	Inmate	Inmate	unfounded
3/7/2014	Sexual Harrasment	Cell	Inmate	Inmate	Not charged
3/29/2014	Sexual Harrasment	Cell	Inmate	Inmate	Not charged
3/31/2014	Sexual Harrasment	Dorm	Inmate	Inmate	Not charged
4/5/2014	Sexual Harrasment	Cell	Inmate	Inmate	Not charged
5/15/2014	Sexual Harrasment	Dorm	Inmate	Inmate	Not charged
6/5/2014	Oral Copulation	Cell	Inmate	Inmate	Not charged
6/7/2014	Oral Copulation	Cell	Inmate	Inmate	Not charged
6/8/2014	Sexual Harrasment	Dorm	Inmate	Inmates	Not charged
6//24/14	Sexual Battery	Cell	Inmate	Inmate	Not charged
7/1/2014	Oral Copulation	Cell	Inmate	unknown	unfounded
8/3/2014	Sexual Battery	Cell	Inmate	Inmate	Not charged
8/20/2014	Sexual Battery	Iso Cell	Inmate	Deputy	unfounded
8/22/2014	Sexual Battery	Cell	Inmate	Inmate	Not charged
9/11/2014	Sexual Harrasment	Multi Use	Inmate	Deputy	Unfounded
9/30/2014	Sexual Assault	Unknown	Inmate	Inmate	Unfounded
10/11/2014	Sexual Harrasment	Multi Use	Inmate	Deputy	Unfounded
10/16/2014	Sexual Harrasment	Cell	Inmate	Inmate	Not charged
11/8/2014	Sexual Battery	Cell	Inmate	Deputies	Unfounded
11/25/2014	Sodomy	ITR cell	Inmate	Inmates	Unfounded
12/3/2014	Sexual Harrasment	Cell	Inmate	Inmate	Not charged
12/9/2014	Sexual Battery	cell	Inmate	inmates	Unfounded
12/31/2014	Indecent Exposure	Visiting	Civilian	Inmate	Complaint