

# 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 12, 2016

TO: Gregory J. Ahern, Sheriff

FROM: Jason H. Arbuckle, Lieutenant

VIA: Chain of Command

SUBJECT: PRISON RAPE ELIMINATION ACT ANNUAL REPORT 2015

*CJK*  
C. Kennedy, Cdr.  
NOTED / Fwd to AED  
01-14-16

*JHMR* 1/15  
2-9-16

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 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 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 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 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 2015, these agencies received 132 calls on the confidential telephone line. 128 calls were made from Santa Rita Jail and 4 were made from Glenn E. Dyer Detention Facility (GEDDF). A total of 43 on site counseling visits were made by Tri Valley Haven to Santa Rita Jail.

During 2015, 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, including the video from Just Detention International on sexual abuse prevention was provided on a weekly basis in both facilities.

In 2015, there were a total of 32 reports filed by inmates complaining of sexual abuse or harassment in Alameda County Jails, an increase of 9% over 2014. There were four additional reports of abuse made by inmates which occurred outside of Alameda County Sheriff's Office facilities, which are not accounted for below. Thirty-one of the complaints filed by inmates were housed at Santa Rita Jail and one by an inmate housed 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 Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Both Moved
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Harassment	Suspect Moved
Inmate	Inmate	Sexual Battery	Not Sustained
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Sexual Battery	Unfounded
Inmate	Inmate	Penetration with a Foreign Object	Unfounded
Inmate	Inmate	Penetration with a Foreign Object	Unfounded
Inmate	Inmate	Unspecified Sexual Assault	Unfounded
Inmate	Inmate	Sodomy	Investigation ongoing
Inmate	Inmate	Sodomy	Unfounded
Inmate	Inmate	Sodomy	Unfounded
Inmate	Inmate	Consensual	Both Moved

<u>VICTIM</u>	<u>ACCUSED</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Battery	Not Sustained
Inmate	Staff	Sodomy	Unfounded

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Inmate	Staff	Sodomy	Unfounded
Inmate	Staff	Sodomy	Unfounded
Inmate	Staff	Penetration with a Foreign Object	Unfounded
Inmate	Staff	Penetration with a Foreign Object	Unfounded
Inmate	Staff	Unspecified Sexual Assault	Unfounded
Inmate	Staff	Unspecified Sexual Assault	Unfounded
Inmate	Staff	Unspecified Sexual Assault	Unfounded
Inmate	Staff	Voyeurism	Unfounded

In total, there were a total of 12 reports of sexual harassment, four reports of sexual battery, six reports of sodomy, four reports of unspecified sexual assault, four reports of penetration with a foreign object, and one report of voyeurism. One incident involved two inmates partaking in consensual sexual acts. Of the 32 reports, 18 were against another inmate and 14 were against staff.

Of the 18 reports against other inmates, ten of the reports were of sexual abuse. One report was determined to be "Not Sustained" due to the victim's inability to identify the suspect in a photo line-up. 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.

There were eight reports of inmate on inmate sexual harassment. All those suspected were reclassified to another housing unit.

There were 14 reports which listed ACSO staff as suspects. All of these cases were thoroughly investigated and determined to be either unfounded or not sustained.

As noted previously, the number of reports of sexual harassment and abuse over last year has increased by 9%. There was a 300% increase in reports of sexual abuse and harassment against staff in 2015. I have reviewed all of the reports and subsequent investigations. It is my opinion the increase of reports against staff is a direct result of the education we have provided inmates regarding PREA and their 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. Inmates now have an understanding of how to manipulate the PREA standards to their advantage. As a result of the large amount of false reports, inmates found to have purposefully and maliciously filed false reports are being prosecuted criminally when appropriate and their behavior is also being documented in disciplinary reports.

After reviewing all 32 reports, it is apparent that all cases were investigated properly and thoroughly, in accordance with ACSO policy and PREA standards. There were no cases in 2015 which could have been submitted for charging by the District Attorney, as there was not sufficient probable cause.

I have compiled historical data for the previous five years (2010-2015) to provide a better representation of all incidents of sexual abuse and harassment throughout the agency. This data

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covers six temporary holding facilities classified by PREA as “Lockups” (Courts and Patrol) and two jail facilities housing an average of approximately 2,800 inmates on a daily basis during 2014.

<b>2010-2013</b>	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

<b>2014</b>	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

<b>2015</b>	Sexual Harassment	Sexual Battery	Sodomy	Penetration with Foreign Object	Unspecified Sexual Assault
Dorm	0	0	2	0	0
Cell	6	3	2	4	2
Common Area	1	1	0	0	0
ITR	1	1	0	0	1
Other	4	1	1	0	1

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 in 2015.

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 proposed 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

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inmates in our care and reduce concealment in these areas.

While the Sheriff's Office provides orientation and continued PREA education to inmates, there now appears to be an abuse of the system by those it is designed to protect. Inmates are using the report of sexual abuse or harassment as a tool to have other inmates moved out of the housing unit. In 2015, this trend turned toward staff as well, with all 14 reports filed against staff being determined to be unfounded or not sustained. 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 risen and the agency no longer has mandatory overtime in place. 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 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 to ensure the Agency's mission is met.

JHA:jha

Attachment

Briefed/Reviewed  
A 2/11/16