

Santa Clara County
Sheriff's Office
Custody Bureau

Prison Rape Elimination Act
Annual Statistical Report
August 1, 2015 to July 31, 2016



Background

The Prison Rape Elimination Act (PREA) was established in 2003 to address sexual abuse, sexual misconduct and sexual harassment of offenders. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of these violations. PREA applies to all public and private institutions that house offenders. The Santa Clara County Sheriff's Office has adopted a zero-tolerance policy regarding conduct pertaining to sexual abuse and sexual harassment involving staff and offenders. We are continuously working to implement new policies, training requirements for staff, developing standards for detection, prevention, reduction and corrective action for sexual abuse, sexual misconduct and sexual harassment.

Introduction

Nationwide, law enforcement agencies are collecting statistical data related to PREA to review, analyze and attempt to decrease the amount of PREA-related incidents. The Santa Clara County Sheriff's Office is committed to reviewing PREA incidents from multiple perspectives including: training, procedures, staffing, building construction, and surveillance technology with the ultimate goal of identifying problem areas and applying corrective action. PREA requires all law enforcement agencies with detention facilities of any kind to create an annual report of all sexual abuse and harassment reported within its facilities. The Santa Clara County Sheriff's Office is making this statistical data available to the public annually. We believe by providing this report publicly, we will outline the amount of allegations received, the findings of those allegations and the constant efforts made to detect, investigate and prosecute them accordingly.

Inmate Reporting and Education

On August 1, 2012, the Santa Clara County Sheriff's Office implemented the PREA policy and procedural changes, providing educational and informational material to inmates, and training to our staff. The educational material informs inmates how to avoid and report sexual assault, sexual harassment and sexual misconduct. Pamphlets are provided to all inmates and signage is posted in all common areas throughout our facilities. A toll-free reporting number is provided to inmates on the pamphlets and signage so inmates may confidentially report sexual abuse, sexual misconduct and sexual harassment, and seek outside advocacy and counseling. PREA standards require an outside agency to provide advocacy and counseling services. Our contract for this service is with the YWCA of Silicon Valley.

Annual Statistics

Sexual Harassment, Nonconsensual Sexual Acts, Consensual Sexual Acts and Abusive Sexual Contact are all defined as PREA related incidents involving inmates. Staff Sexual Misconduct and Staff Sexual Harassment are defined as PREA related incidents involving staff. During the period of August 1, 2015 through July 31, 2016, there were 43 PREA-related complaints filed by

inmates while incarcerated in our facilities. Each complaint was investigated by the Jail Crimes Investigation Unit. Below is a breakdown of those complaints.

| <u>DATE</u> | <u>FACILITY</u> | <u>INCIDENT TYPE</u> | <u>LOCATION</u> | <u>SUSPECT</u> | <u>VICTIM</u> | <u>DISPOSITION</u> |
|-------------|-----------------|--------------------------|-------------------|----------------|---------------|---|
| 7/15/2015 | Elmwood | Sexual Harassment | Cell | Inmate | Inmate | Unsubstantiated |
| 8/22/2015 | Elmwood | Nonconsensual sexual act | Cell | Staff | Inmate | Unfounded |
| 9/1/2015 | Main Jail | Abusive sexual contact | Cell | Staff | Inmate | Unfounded |
| 9/7/2015 | Main Jail | Staff Sexual Harassment | Cell | Staff | Inmate | Unsubstantiated |
| 10/19/2015 | Main Jail | Abusive sexual contact | Cell | Inmate | Inmate | Unsubstantiated |
| 10/20/2015 | Elmwood | Sexual Harassment | Cell | Inmate | Inmate | Substantiated |
| 11/1/2015 | Elmwood | Sexual Harassment | Cell | Inmate | Inmate | Unfounded |
| 11/11/2015 | Main Jail | Staff Sexual Harassment | Cell | Staff | Inmate | Unfounded |
| 11/12/2015 | Main Jail | Sexual Harassment | Cell | Inmate | Inmate | Unsubstantiated |
| 11/22/2015 | CCW | Staff Sexual Misconduct | Non-existent room | Staff | Inmate | Unfounded |
| 11/30/2015 | Elmwood | Sexual Harassment | Shower area | Inmate | Inmate | Unsubstantiated |
| 12/8/2015 | Elmwood | Consensual Sexual Act | Cell | Inmate | Inmate | Substantiated |
| 12/16/2015 | CCW | Sexual Harassment | Open dorm | Inmate | Inmate | Substantiated |
| 12/16/2015 | CCW | Sexual Harassment | Open dorm | Inmate | Inmate | Substantiated |
| 12/17/2015 | Main Jail | Staff Sexual Misconduct | Cell | Staff | Inmate | Unfounded |
| 1/30/2016 | Main Jail | Nonconsensual sexual act | Open dorm | Inmate | Inmate | Unfounded |
| 1/30/2016 | Main Jail | Sexual Harassment | Cell | Inmate | Inmate | Substantiated |
| 2/4/2016 | Elmwood | Sexual Harassment | Cell | Inmate | Inmate | Unsubstantiated |
| 2/15/2016 | Main Jail | Sexual Harassment | Shower area | Inmate | Inmate | Under investigation |
| 2/28/2016 | Elmwood | Staff Sexual Harassment | Kitchen | Staff | Inmate | Under investigation |
| 2/28/2016 | Main Jail | Staff Sexual Harassment | Cell | Staff | Inmate | Unfounded |
| 3/2/2016 | Elmwood | Sexual Harassment | Cell | Inmate | Inmate | Unfounded |
| 3/7/2016 | Main Jail | Abusive sexual contact | Cell | Inmate | Inmate | Unfounded |
| 3/17/2016 | Main Jail | Staff Sexual Misconduct | Doctor's office | Staff | Inmate | Under investigation |
| 3/27/2016 | CCW | Sexual Harassment | Open dorm | Inmate | Inmate | Unsubstantiated |
| 3/30/2016 | Main Jail | Abusive sexual contact | Cell | Inmate | Inmate | Substantiated |
| 4/3/2016 | CCW | Consensual Sexual Act | Cell | Inmate | Inmate | Substantiated |
| 4/23/2016 | Elmwood | Staff Sexual Misconduct | Cell | Staff | Inmate | Unfounded |
| 4/26/2016 | Elmwood | Consensual Sexual Act | Cell | Inmate | Inmate | Substantiated |
| 4/26/2016 | CCW | Staff Sexual Misconduct | Cell | Staff | Inmate | Unfounded |
| 4/28/2016 | Main Jail | Staff Sexual Misconduct | Cell | Staff | Inmate | Unfounded |
| 5/1/2016 | CCW | Staff Sexual Harassment | Cell | Staff | Inmate | Unfounded |
| 5/2/2016 | Main Jail | Staff Sexual Misconduct | Unknown | Staff | Inmate | Unfounded- DA charging for false report |
| 5/13/2016 | Elmwood | Sexual Harassment | Open dorm | Inmate | Inmate | Unfounded |
| 5/16/2016 | Main Jail | Sexual Harassment | Cell | Inmate | Inmate | Unsubstantiated |
| 6/1/2016 | Main Jail | Staff Sexual Harassment | Interview room | Staff | Inmate | Under investigation |
| 6/4/2016 | Main Jail | Consensual Sexual Act | Cell | Inmate | Inmate | Substantiated |
| 6/5/2016 | CCW | Consensual Sexual Act | Open dorm | Inmate | Inmate | Substantiated |
| 6/12/2016 | Elmwood | Consensual Sexual Act | Cell | Inmate | Inmate | Substantiated |
| 6/15/2015 | CCW | Sexual Harassment | Open dorm | Inmate | Inmate | Unfounded |
| 7/4/2016 | Main Jail | Abusive sexual contact | Cell | Inmate | Inmate | Under investigation |
| 7/10/2016 | Main Jail | Nonconsensual sexual act | Cell | Inmate | Inmate | Unfounded |
| 7/14/2016 | Elmwood | Staff Sexual Harassment | Kitchen | Staff | Inmate | Unsubstantiated |

PREA defines the dispositions of the above cases as the following:

- Unfounded refers to an allegation that was investigated and determined not to have occurred.
- Unsubstantiated refers to an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Substantiated refers to an allegation that was investigated and the investigation produced sufficient evidence to make a final determination that the event occurred.

Annual Statistical Comparison

Listed below is a comparison of the inmate complaints of PREA violations since we began collecting reporting data.

| 08/01/12-07/31/13: | Abusive Sexual Contact | Sexual Harassment | Sexual Misconduct | Sexual Assault | Attempted Sexual Assault | Nonsexual Assault/Battery | Nonconsensual Sexual Act | Consensual Sexual Act |
|-------------------------------------|------------------------|-------------------|-------------------|----------------|--------------------------|---------------------------|--------------------------|-----------------------|
| Dorm | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Cell | 0 | 1* | 0 | 1* | 0 | 0 | 0 | 0 |
| Multipurpose Room | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kitchen | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other/Unknown | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| *same incident | | | | | | | | |
| TOTAL REPORTED INCIDENTS: 3 | | | | | | | | |
| | | | | | | | | |
| 08/01/13-07/31/14: | Abusive Sexual Contact | Sexual Harassment | Sexual Misconduct | Sexual Assault | Attempted Sexual Assault | Nonsexual Assault/Battery | Nonconsensual Sexual Act | Consensual Sexual Act |
| Dorm | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Cell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Multipurpose Room | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kitchen | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other/Unknown | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL REPORTED INCIDENTS: 2 | | | | | | | | |
| | | | | | | | | |
| 08/01/14-07/31/15: | Abusive Sexual Contact | Sexual Harassment | Sexual Misconduct | Sexual Assault | Attempted Sexual Assault | Nonsexual Assault/Battery | Nonconsensual Sexual Act | Consensual Sexual Act |
| Dorm | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Cell | 3 | 1 | 0 | 0 | 1 | 0 | 0 | 0 |
| Multipurpose Room | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Kitchen | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other/Unknown | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| TOTAL REPORTED INCIDENTS: 11 | | | | | | | | |

| August 1, 2015 to July 31, 2016 | Sexual Harassment | Nonconsensual Sexual Acts | Consensual Sexual Acts | Abusive Sexual Contact | Staff Sexual Misconduct | Staff Sexual Harassment |
|---------------------------------|-------------------|---------------------------|------------------------|------------------------|-------------------------|-------------------------|
| Dorm | 5 | 1 | 1 | 0 | 0 | 0 |
| Cell | 8 | 2 | 5 | 5 | 4 | 4 |
| Common Area | 0 | 0 | 0 | 0 | 0 | 0 |
| Kitchen | 0 | 0 | 0 | 0 | 0 | 2 |
| Other | 2 | 0 | 0 | 0 | 2 | 1 |
| Unspecified | 0 | 0 | 0 | 0 | 1 | 0 |
| Total | 15 | 3 | 6 | 5 | 7 | 7 |

In reviewing each of the reports since we began tracking, excluding those determined unfounded, we have found that inmates are typically victimized by other inmates. These crimes occur primarily in living areas, where inmates have some concealment from staff. Further, it can be inferred that the amount of reporting was higher during the 2015-2016 period due to an increase of PREA related education.

Prevention Measures

The Santa Clara County Sheriff's Office is continuously working to prevent sexual victimization. In an attempt to reduce the number of incidents of sexual victimization, staff conducts thorough physical searches of identified blind-spots in isolated areas within inmate housing areas. These blind-spot checks are in addition to the standard welfare checks already conducted at set-time intervals. To date, we have installed over 300 fixed video surveillance cameras in the Main Jail Complex. There are approximately 850 fixed video surveillance cameras scheduled to be installed at the Elmwood Complex by August 2017. Also scheduled at the Elmwood Complex, is new retro-fit for shower doors in the M8 Building, allowing more privacy for inmates.

While the monitoring upgrades will increase protections for both staff and inmates, the Santa Clara County Sheriff's Office Custody Bureau is continually striving to maintain the appropriate amount of staff to ensure inmates are safe from sexual abuse, sexual harassment and sexual misconduct. We are averaging three Correctional Deputy Academy classes annually. Upon completion of the academy, the new Correctional Deputies are immediately assigned to a custodial facility. This increases our staffing levels and helps ensure the overall security of our facilities.

In August 2014, a PREA-required audit of the Women's Facility at the Elmwood Complex was conducted. As a result, we ensured that all inmates would be screened more closely for potential victimization. We mandated that PREA educational and informational material outlining how to report abuses would be available in pamphlet and poster form for inmates. Additionally, the YWCA Rape Crisis hotline was established for inmates to report sexual abuse. Lastly, we required staff to conduct regular inspections of areas identified as "blind-spots" as part their routine welfare checks. During each shift, supervisors visited their areas of responsibility unannounced, ensuring staff was not alerted prior to their arrival in an attempt to deter both staff and inmates from participating in sexually abusive behavior.

From August 1, 2015 to July 31, 2016 we continued our progress with PREA compliance and have made even more inmates aware of their PREA related rights. We have ensured all staff are educated with regard to PREA, starting at the academy level all the way through contractors and volunteers, to recognize signs of sexual abuse, and how to handle it when reported. We have also added PREA education for all visitors who enter our facilities. We are currently undergoing a major overhaul in our inmate grievance policy which will allow for a much more manageable tracking and processing system.

The Santa Clara County Sheriff's Office was approved for a grant for funds from the California Board of State and Community Corrections for the construction of a new jail tower in place of our dated Main Jail South building. This grant is the first step of a 3-part building cycle. Over the course of approximately three years, a new jail building will be constructed adjacent to the Main Jail North building. The Main Jail South building will be vacated and ultimately demolished. The

new jail building will be designed for optimal inmate observation using an open floor plan that provides line-of-sight into each cell, classroom, interview room, exercise yard and dayroom from a centrally accessible vantage point. The new jail building will address the need for an increase in inmate programs and mental health treatment. Ultimately, the design will feature an increase in safety and security for both inmates and staff. The next phase; drafting and approval of building plans, is expected to be completed by mid-2017. The scheduled completion date for the new jail is estimated at the end of 2019.

Conclusion

While the new jail planning and construction are underway, the Santa Clara County Sheriff's Office will continue looking at ways to improve inmate safety and overall security of the facility in its current state. During the next 12-month period, we will continue to educate both staff and inmates about PREA, document any reports of sexual victimization, appropriately investigate reports of sexual victimization and seek ways to better monitor, both physically and electronically, areas that may not be readily visible to staff to reduce incidents of sexual victimization.