

**SANTA CLARA COUNTY
SHERIFF'S OFFICE**

**Prison Rape Elimination Act
Annual Statistical Report
08/01/2014 to 07/31/2015**



Background

The Prison Rape Elimination Act (PREA) was established in 2003 to address the problem of sexual abuse, sexual misconduct and sexual harassment of persons in the custody of U.S. correctional facilities. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison/jail sexual assaults. PREA applies to all public and private institutions that house adult or juvenile offenders. The Santa Clara County Sheriff's Office has adopted a zero-tolerance policy on conduct pertaining to sexual abuse and sexual harassment involving staff and inmates. The Santa Clara County Sheriff's Office is working continuously to implement new policies, training requirements for staff and inmates, and developing standards for detection, prevention, reduction and punishment of sexual abuse, sexual misconduct and sexual harassment incidents.

Introduction

Law enforcement agencies across the nation are collecting statistical data related to PREA in order to review, analyze and 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, facility construction and surveillance technology use with the ultimate goal of identifying problem areas and applying appropriate corrective action to make improvements.

The Santa Clara County Sheriff's Office is making this statistical data available to the public on an annual basis. The Santa Clara County Sheriff's Office believes that by providing this information to the public, it will clearly show the amount of cases received annually, the findings of such allegations and the constant efforts made to detect, investigate and prosecute cases accordingly.

Inmate Reporting and Education

On August 1st, 2012, the Santa Clara County Sheriff's Office implemented the new PREA procedures, providing educational and informational material to inmates and training to staff. Educational material informing inmates how to avoid and report sexual assault, sexual harassment and sexual misconduct is provided to all inmates and posted in all inmate common areas throughout the facilities.

A toll-free hotline is provided to the Main Jail Facility, Elmwood Men's Facility and the Women's Facility (CCW) for all inmates so they can confidentially report sexual abuse and

sexual harassment, and to seek outside advocacy and counseling. The agency who receives these calls, per PREA standards, must be an outside agency. The YWCA of Silicon Valley provides these services at no cost to the inmate.

Annual Statistics

Sexual abuse, sexual misconduct and sexual harassment can occur by an inmate toward another inmate or a staff member toward an inmate. During the period of August 1st, 2014 through July 31st, 2015, there were a total of eleven (11) reports filed by inmates complaining of sexual abuse, sexual misconduct or sexual harassment while housed at the Main Jail Facility, Elmwood Men’s Facility or Women’s Facility (CCW). Of those eleven (11) complaints filed by inmates, three (3) were complaints against a custody badge staff member. Each complaint was investigated by the Jail Crimes Investigation Unit. A breakdown of the complaints is listed below:

<u>DATE</u>	<u>FACILITY</u>	<u>INCIDENT TYPE</u>	<u>LOCATION</u>	<u>SUSPECT</u>	<u>VICTIM</u>	<u>DISPOSITION</u>
8/29/2014	Elmwood	Nonconsensual Sexual Act	Dorm	Inmate	Inmate	Unfounded
9/18/2014	Main Jail	Sexual Assault	Unclear	Staff	Inmate	Unfounded
10/18/2014	Elmwood	Consensual Sexual Act	Multipurpose Room	Inmate	Inmate	No charges filed by DA
12/29/2014	Main Jail	Abusive Sexual Contact	Cell	Staff	Inmate	Unfounded
1/19/2015	Elmwood	Abusive Sexual Contact	Cell	Inmate	Inmate	Unsubstantiated, incident was not reported until April 2015
1/31/2015	Main Jail	Sexual Harassment	Cell	Staff	Inmate	Unfounded
5/10/2015	CCW	Abusive Sexual Contact	Dorm	Inmate	Inmate	Unsubstantiated
5/12/2015	CCW	Sexual Harassment	Jail Kitchen	Civilian	Inmate	Unfounded
6/5/2015	Elmwood	Abusive Sexual Contact	Cell	Inmate	Inmate	Victim rehoused, no charges filed for sexual abuse
6/29/2015	Main Jail	Attempted Sexual Assault	Cell	Inmate	Inmate	Charges filed by DA
7/18/2015	CCW	Sexual Misconduct	Ambulance	Paramedic	Inmate	Unfounded

PREA defines the dispositions of the above sexual abuse and sexual harassment 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.

There were a total of four (4) reports of abusive sexual contact, two (2) reports of sexual harassment, one (1) report of sexual misconduct, one (1) report of sexual assault, one (1) report

of attempted sexual assault, (1) report of a nonconsensual sexual act and (1) report of a consensual sexual act. Of the eleven (11) reports, six (6) were inmate/inmate. One incident involved an inmate victim and civilian staff as a suspect. Another report involves an inmate victim and emergency personnel as the suspect. Three reports list Santa Clara County Sheriff's Office custody badge staff as suspects, with inmates being the victim. Each of these cases were thoroughly investigated by the Jail Crimes Investigations Unit and determined to be unfounded.

Annual Statistical Comparison

Listed on the following page is a comparison of the inmate complaints of sexual misconduct, sexual abuse and sexual harassment from the periods spanning August 1st, 2012 - July 31st, 2013, August 1st, 2013 - July 31st, 2014 and August 1st, 2014 - July 31st, 2015:

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								

In reviewing each of the reports of sexual assault, sexual harassment and sexual misconduct since August 2012, excluding those that are determined to be unfounded, inmates are typically

victimized by other inmates. These crimes occur primarily in inmate living areas, where the inmates have a certain amount of concealment from staff.

During the period of 2012/2013, this was the first time that any sexual abuse, sexual misconduct or sexual harassment data was tracked and recorded by the Sheriff's Office Custody Bureau. While no amount of sexual abuse incidents is acceptable, there was no immediate change in practices for prevention of future sexual abuse. Staff continued to conduct routine welfare checks of inmate living areas and general areas to deter inmates from participating in sexually abusive behavior. Staffing levels remained at a relatively constant level but did not allow for additional staffing to conduct additional welfare checks.

During the period 2013/2014, there was a drop in reported PREA-related incidents. Again, there were no immediate changes to staff practices for prevention of future sexual abuse and staffing levels remained the same as the previous time period. During this time, the first PREA-related inmate and staff educational materials were introduced to each of the facilities, as well the beginning of PREA education classes for staff, contractors and volunteers.

In August 2014, a PREA-required audit of the Womens Facility was conducted. As a result of the audit, it was ensured that all inmates would be more closely screened for victim potential and that PREA educational materials would be available both in pamphlet and poster form for inmates to report any sexual abuse, sexual misconduct or sexual harassment. Additionally, the free, confidential YWCA Rape Crisis hotline was established for inmates report sexual abuse.

Another result of the August 2014 audit was that staff began adding welfare checks of areas considered to be "blind-spots" to their routine welfare checks. Supervisors began conducting unannounced rounds of all housing areas during every shift, ensuring that staff was not alerted prior to their arrival to deter both staff and inmates from participating in sexually abusive behavior.

During the period 2014/2015, there was a significant jump in reported sexual abuse cases. Staff and inmate educational materials, as well as training for staff, civilians and volunteers continued to be utilized at the facilities. Posted signage indicating what constitutes sexual abuse, as well as how to report it, was made available to all staff and inmates throughout the facilities.

Between the periods of 2013/2014 and 2014/2015, there was a significant increase in the number of reported sexual assault, sexual abuse and sexual harassment incidents while in the correctional setting. This significant increase is likely a direct result of the education the Santa Clara County Sheriff's Office has provided to the inmates regarding PREA and their rights under the statute. Inmates now have a simplified, anonymous process to report sexual abuses that may be going on in any of the correctional facilities, either with themselves or another inmate being a victim of such inappropriate behavior.

Prevention Measures

The Santa Clara County Sheriff's Office is continuously working to prevent inmate sexual assault, sexual harassment and sexual misconduct. Santa Clara County Sheriff's Office custody badge staff currently conducts thorough physical searches of blind-spots and isolated areas in inmate housing areas that are not readily visible to staff in an attempt to reduce the number of incidents of sexual victimization. These blind-spot checks are in addition to the standard inmate welfare checks that are conducted at set time intervals.

There have been no fixed video or electronic monitoring additions to the physical plant of the Main Jail Facility, Elmwood Men's Facility or Women's Facility during the past 12 months. However, the Santa Clara County Sheriff's Office Custody Bureau is constantly seeking new ways, both physically with additional welfare checks and electronically with portable digital cameras, to monitor areas of the facilities where sexual victimization may occur. As such, the Santa Clara County Sheriff's Office Custody Bureau has submitted to the County Board of Supervisors for consideration fixed video monitoring projects for both facilities. Per County regulations, these requests are considered capital projects and, as per procedure, have been prioritized and placed on a list awaiting approval.

While the monitoring upgrades will increase protections for both staff and inmates alike, 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. The Santa Clara County Sheriff's Office Custody Bureau is averaging two (2) Correctional Deputy Academy classes per year and, once graduated, the new Correctional Deputies are immediately assigned to a custody facility. These newly-appointed deputies raise the staffing levels and ensure the overall security of the facility, as well as the safety and proper supervision of inmates.

Looking ahead, 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 the 1950's-era Main Jail South building. This grant is the first step of a 3-part building cycle. Over the course of approximately four (4) years, a new jail building will be constructed adjacent to the current Main Jail North building. The Main Jail South building will be emptied of any inmates and will eventually be demolished. The construction of a new jail building will address the changing nature of the inmate population as well as the increased length of stay in custody. The new jail building would 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 would also address the need for an increase in inmate programs along with the need to provide

mental health treatment to an increasing number of inmates. Ultimately, the new jail building design would feature an increase in safety and security for both inmates and staff.

The next stage of the process, drafting and approval of building plans, is expected to be completed by mid-2017. Once the final stage, building construction, is underway, the entire project would be completed by approximately the end of 2019. While the overall building cycle is being completed, the Sheriff's Office will continue to look at ways to improve inmate safety and overall security of the facility in its current state.

In the following 12 months, the Santa Clara County Sheriff's Office 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.