



OFFICE OF

SHERIFF

COUNTY OF SAN JOAQUIN

7000 Michael N. Canlis Blvd.
French Camp, California 95231-9781

May 31, 2023

Patrick Withrow
Sheriff
Public Administrator

Honorable Michael D. Coughlan
Presiding Judge
San Joaquin County Superior Court
180 E. Weber Avenue, Suite 1306J
Stockton, California 95202

RE: RESPONSE TO FINDINGS AND RECOMMENDATIONS TO THE SAN JOAQUIN COUNTY JAIL REGARDING PREA COMPLIANCE DEFICIENCIES

Dear Judge Coughlan:

Following are the Sheriff's Office responses to findings and recommendations made by the 2022-2023 Grand Jury on San Joaquin County Custodial Facilities: Failing to Comply with the Prison Rape Elimination Act of 2003.

Finding F1.1:

The San Joaquin County Sheriff's Office has failed to ensure that a mandated PREA audit (28 CFR 115.401) by a Department of Justice certified auditor has ever been done where one is required to be completed every three years. Failure to complete audits by a Department of Justice certified auditor diminishes transparency, could put inmates and detainees at risk, and could erode public trust.

Response to Finding F1.1:

The Sheriff's Office agrees with the Finding.

In order to correct this oversight, and ensure future compliance, a contract and purchase order with Evinger and Associates LLC has been approved and sent to County Counsel and Purchasing Department. This contract is for Evinger and Associates to conduct a PREA audit of the San Joaquin County jail facilities by October of 2023. Moving forward, the cost of the PREA audit will be included in the Custody budget for an audit to be conducted once every three years.

Once the audit is completed, the Sheriff's Office ensures that the report will be posted on our website within 30 days of the completion to meet requirements.

Finding F1.2:

The San Joaquin County Sheriff's Office is not in compliance with 28 CFR 115.33(f), which requires them to provide adequate written materials and visible posters that explain inmate rights and the Sheriff's zero-tolerance policy regarding sexual abuse or sexual harassment. This could result in delays in reporting and investigating, thereby exposing the Office to potential lawsuits, financial liability, and reduction in Federal grant funding.

Response to Finding F1.2:

The Sheriff's Office does currently have signage posted in every housing unit both in English and Spanish, clearly stating the Sheriff's zero-tolerance policy and how to report a PREA incident. The zero-tolerance policy is also clearly printed in the inmate handbooks, also both in English and Spanish. All of this information is also available on the inmate tablets and housing unit kiosks.

As of today, we have added two comprehensive PREA educational videos, both in English and Spanish, to the inmate tablets. The video in English also includes an American Sign Language interpreter window.

We are also currently working with our Information Systems Division to install an interface which will allow us to force-feed video on all inmate televisions throughout the jail facility from our computer workstations. This will enable us to set the PREA video to play in whatever way we deem necessary to help meet the requirements of ongoing education within 30 days of intake.

Finding F1.3:

The San Joaquin County Sheriff's Office does not provide adequate means to report sexual abuse or sexual harassment confidentially and privately to an independent public or private entity as required under 28 CFR 115.51 which is a violation of PREA standards and could result in reduction of Federal grant funding.

Response to Finding F1.3:

The Sheriff's Office agrees with the Finding and has taken the following actions to ensure compliance.

The addition of a non-affiliated and confidential PREA reporting line has been secured. The MOU between the San Joaquin County Sheriff's Office and PREVAIL has been signed. Additionally, all signage, handbooks, and digital copies have been updated and distributed throughout the jail facilities and the Courts.

Finding F1.4:

There is no video or audio recording equipment in interrogation rooms. There should be no area in the jail, absent issues of mandated privacy, where an inmate could be with officers in secluded settings. A potential claim of sexual or physical abuse without providing visual evidence also means the Sheriff's department would be unable to effectively defend such a claim.

Response to Finding F1.4:

The interrogation room referenced is an interview room used predominantly by mental health staff to conduct interviews to assess the well-being of individuals, and to help determine the appropriate housing unit for individuals. These interviews conducted by mental health staff are HIPAA protected interviews and not subject to recording.

All correctional officers currently wear body cameras at all times while in the jail facility and are not alone in secluded areas with inmates without their body worn camera. Furthermore, additional stationary cameras are being installed to ensure video coverage of the jail facilities.

Recommendation R1.1:

By July 1, 2023, the San Joaquin County Sheriff schedule an independent audit by a Department of Justice certified Auditor in accordance with 28 CFR 115.401(a) and post the audit report on the agency's website within 30 days of completion.

Response to Recommendation R1.1:

As previously stated in our response to Finding F1.1, a contract and purchase order with Evinger and Associates LLC has been approved and sent to County Counsel and Purchasing Department. This contract is for Evinger and Associates to conduct a PREA audit of the San Joaquin County jail facilities by October of 2023 to be in compliance.

Moving forward, the cost of the PREA audit will be included in the Custody budget for an audit to be conducted once every three years to ensure compliance.

Once the audit is completed, the Sheriff's Office ensures that the report will be posted on our website within 30 days of the completion to meet requirements.

Recommendation R1.2:

By October 1, 2023, the San Joaquin County Sheriff develop and provide adequate written materials and visible posters that explain inmates' rights and the Sheriff's zero-tolerance policy meeting the requirements of PREA.

Response to Recommendation R1.2:

As previously stated in our response to Finding F1.2, the Sheriff's Office does currently have signage posted in every housing unit both in English and Spanish, clearly stating the Sheriff's zero-tolerance policy and how to report a PREA incident. The zero-tolerance policy is also clearly printed in the inmate handbooks, also both in English and Spanish. All of this information is also available on the inmate tablets and housing unit kiosks.

As of today, we have added two comprehensive PREA educational videos, both in English and Spanish, to the inmate tablets. The video in English also includes an American Sign Language interpreter window.

We are also currently working with our Information Systems Division to install an interface which will allow us to force-feed video on all inmate televisions throughout the jail facility from our computer workstations. This will enable us to set the PREA video to play in whatever way we deem necessary to help meet the requirements of ongoing education within 30 days of intake.

Recommendation R1.3:

By October 1, 2023, the San Joaquin County Sheriff develop and implement a process for inmates to confidentially report allegations of abuse or harassment to an independent public or private entity as required under 28 CFR 115.54.

Response to Recommendation R1.3:

As previously stated in our response to Finding F1.3, the addition of a non-affiliated and confidential PREA reporting line has been secured. The MOU between the San Joaquin County Sheriff's Office and PREVAIL has been signed. Additionally, all signage, handbooks, and digital copies have been updated and distributed throughout the jail facilities and the Courts.

Recommendation R1.4:

By October 1, 2023, San Joaquin County Sheriff in conjunction with the County Information Systems Department install video surveillance equipment in interrogation rooms to ensure the capability of providing visual evidence in the event of a complaint filed by a detainee or inmate.

Response to Recommendation R1.4:

All interrogation rooms, with the exception of the one interrogation room which is predominantly used by mental health staff to conduct interviews with individuals, are equipped with stationary cameras. Also, additional stationary cameras are in the process of being installed throughout the jail facilities to ensure maximum coverage. The interview conducted by mental health staff with individuals is to assess their well-being and determine appropriate housing and is protected by HIPAA.

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Additionally, all correctional staff now wear body cameras and the video can be used as evidence in the event of a complaint or allegation filed by a detainee or inmate.

These responses to the Grand Jury's Findings and Recommendations are respectfully being submitted to you and the Grand Jury. Should anyone require any additional information, please do not hesitate to contact me.

The Sheriff's Office thanks and commends the Grand Jury for their hard work and dedication.

Sincerely,

PATRICK WITHROW
Sheriff-Public Administrator

- c: Chairman Robert Rickman, Board of Supervisors
Krystal Gonzalez, Grand Jury Staff Secretary/Judicial Secretary
Jerome Wilverding, County Administrator
Kimberly D. Johnson, Interim County Counsel
Mo Hatef, Senior Deputy County Administrator