

2022-2023 San Joaquin County Grand Jury



San Joaquin County Custodial Facilities: Failing to Comply with the Prison Rape Elimination Act of 2003

Case #0222

Summary

The 2022-2023 Grand Jury investigated the policies, procedures, and standards established and applicable to San Joaquin County custodial facilities to combat sexual harassment, sexual abuse, and physical abuse against and by those in custody. The Grand Jury toured the San Joaquin County Sheriff's Detention Facility, the Juvenile Detention Facility, and the Lodi Police Department Jail to determine if federally mandated standards are being met. They reviewed numerous documents, video files, and regulations. They also conducted five separate interviews.

The focus of the investigation was to assess the County custodial facilities' compliance with the Code of Federal Regulations (28 CFR Part 115) under the Prison Rape Elimination Act of 2003 (PREA). Failure to meet these standards can result in serious consequences for detainees, inmates, and residents, and an inability to protect vulnerable individuals housed at the County custodial facilities. This obligation to protect is ethically correct and required by law. Additionally, failure to prepare required audits for the Department of Justice can result in loss of federal grant funds.

The County paid out more than \$240,000.00 over the past five years to settle sexual and physical abuse claims. That sum does not include the many work hours paid out for government employee time while either investigating, prosecuting, or defending these instances. San Joaquin County custodial facilities may also face indirect costs, such as increased insurance premiums, outside legal fees, and the cost of retraining and educating facility staff.

The Grand Jury found that the custodial facilities in the County did not have comprehensive knowledge of all PREA provisions and were not in compliance. The findings from the investigation

and recommendations for corrective actions are provided in this report. The 2022-2023 Grand Jury recommends:

- audit reports for the County Jail and Juvenile Detention Facility be completed by a Certified PREA Auditor and submitted to the Department of Justice every three years as required by PREA Standards;
- all County custodial facilities provide detainees, inmates, and juvenile residents with access to better written and comprehensive PREA materials;
- detainees, inmates, and juvenile residents at County custodial facilities be provided with all of the required PREA information during the screening and intake process and then again during subsequent PREA training;
- detainees, inmates, and juvenile residents be given information on how to file a confidential report in private with an outside agency or entity;
- complete the installation of video monitoring equipment to enable video coverage for all interactions between staff and inmates, eliminate blind spots, and add video capabilities in interrogation rooms at the County Jail; and
- provide a written policy and procedure describing how juvenile residents (under the age of 18) and older residents (who are 18-25 years of age) housed at the County Juvenile Detention Facility maintain separation when required.

Glossary

- **Booking:** is the process in which a detainee is brought into a prison or jail facility including the screening of that individual.
- **CDCR:** The California Department of Corrections and Rehabilitation is a state agency of California responsible for overseeing the state's prison and parole systems.
- **Certified PREA Auditor:** is certified by United States Department of Justice to conduct mandated PREA audits at detention facilities.
- **CFR:** Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
- **28 CFR 115.13(a) and 28 CFR 115.313(a) for Juveniles:** states the agency shall, where applicable, provide video monitoring to protect inmates, detainees, and residents against sexual abuse. In deciding the need for video monitoring, facilities must take into account “blind spots” or areas where staff or inmates may be isolated.
- **28 CFR 115.31(a) and 28 CFR 115.331(a) for Juveniles:** PREA training is mandatory for all employees of detention facilities and organizations that are subject to the Prison Rape Elimination Act (PREA). This training is intended to educate staff on their responsibilities under PREA, as well as best practices for preventing, detecting, and responding to incidents of sexual abuse and harassment.
- **28 CFR 115.33(b) and 28 CFR 115.333(a) for Juveniles:** requires comprehensive education to inmates, detainees, and residents in person or via video regarding their rights to report sexual abuse and harassment and to be free from retaliation.

- **28 CFR 115.33(e) and 28 CFR 115.333(e) for Juveniles:** requires documentation of inmate, detainee, and resident participation in these education sessions.
- **28 CFR 115.33(f) and 28 CFR 115.333(f) for Juveniles:** requires key information regarding filing claims and the process is continuously and readily available or visible to inmates, detainees, and residents.
- **28 CFR 115.401:** requires a comprehensive agency audit at least every three years and said audit to be conducted by a Department of Justice approved outside auditor, covering every aspect of PREA.
- **28 CFR 115.41(a) and 28 CFR 115.341(a) for Juveniles:** requires that all inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates, detainees, and residents.
- **28 CFR 115.41(b) and 28 CFR 115.341(b) for Juveniles:** requires that intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- **28 CFR 115.41(e) and 28 CFR 115.341(e) for Juveniles:** states that the initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates, detainees and residents for risk of being sexually abusive.
- **28 CFR 115.51(a) and 28 CFR 115.351(a) for Juveniles:** requires agencies to provide multiple internal ways to privately report sexual abuse and sexual harassment.
- **28 CFR 115.51(b) and 28 CFR 115.351(b) for Juveniles:** requires agencies to provide at least one way to report abuse or harassment to a private entity that is not part of the agency.
- **28 CFR 115.54 and 28 CFR 115.354 for Juveniles:** requires that the agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
- **Detainee:** a person who is detained in a lockup, regardless of adjudication status.
DOJ: The United States Department of Justice is an executive Judicial Department branch of the United States Government.
- **Incarcerated:** refers to an individual who is currently being confined or imprisoned in a facility or location as a result of criminal charges or convictions and is synonymous with inmate.
- **Inmate:** is a person who is incarcerated and housed in a prison or jail.
- **Intake:** the area in the jail or prison where a detainee is processed into the custodial facility through the booking process.
- **Juvenile Justice Realignment (SB823):** refers to the California Senate Bill that was introduced in 2021. The bill aims to reform the state's juvenile justice system by realigning responsibility for the supervision and treatment of youth offenders from the state level to the county level.
- **Lockup:** is a temporary detention facility.
- **PREA Coordinator:** is a person responsible for overseeing the implementation and compliance of the Prison Rape Elimination Act (PREA) in a detention facility or a third party organization. The PREA coordinator is responsible for ensuring that the facility has policies and procedures in place to prevent, detect, and respond to incidents of sexual abuse and harassment, and for ensuring that staff receive training on PREA and related topics.

- **Prison Rape Elimination Act of 2003 (Public Law 108-79):** is the first United States federal law intended to deter the sexual assault of prisoners. The bill was signed into law on September 4, 2003, enacted by the 108th United States Congress.
- **Resident:** any person confined or detained in a juvenile facility or in a community confinement facility.
- **TTY:** a teletypewriter is an input device that allows alphanumeric character to be typed in and sent, usually one at a time, as they are typed to a computer or a printer.

Background

In 2003, the Congress and President Bush recognized a serious issue involving sexual abuse and harassment of incarcerated individuals and passed the Prison Rape Elimination Act (PREA) to establish standards for policies and procedures of every government entity, Federal, State, and local, housing incarcerated individuals. The standards established by the U.S. Department of Justice were first published in the Code of Federal Regulations, 28 CFR part 115, in 2012. There are two sets of Standards that the Grand Jury reviewed, one for adult detention facilities and one for juvenile detention facilities.

Misuse of police authority during an arrest or in a custodial facility has been prominent in the news. In 2019, a San Joaquin County Sheriff's Deputy Correctional Officer pleaded guilty to sexual assault of a female inmate. One case involved a juvenile victim of repeated sexual assault in a juvenile detention facility over a six-month period. In September 2021, a San Joaquin County Correctional Officer was found guilty of sexually assaulting multiple victims. In December 2021, a criminal grand jury indicted a San Joaquin County Correctional Officer for sexual assault crimes and false imprisonment. In October 2022, a Stockton Police Officer was suspended, case pending, after three accusations of sexual harassment and abuse while on duty.

PREA is an important part of the detention system for several reasons:

- It seeks to protect the rights and safety of individuals in detention, particularly those who may be at a higher risk of sexual abuse.
- It seeks to improve the quality of life for individuals in detention and to promote the rehabilitation and reintegration of individuals back into their communities.
- It seeks to ensure that detention facilities meet national standards and provide a safe environment for staff and inmates.
- It seeks to provide resources and support for victims of sexual abuse while in detention.
- It promotes a culture of zero tolerance for sexual abuse in detention facilities and holds facilities accountable for preventing, detecting, and responding to abuse.

When PREA is implemented properly it helps to create a safe and secure detention system by addressing the issue of sexual abuse in detention facilities and protecting the rights and safety of individuals.

At the time of booking, all inmates, detainees, and residents must receive information explaining the facility's zero-tolerance policy and instructions on how to report sexual assault and misconduct.

Information and avenues for reporting must be readily available and visible to inmates, detainees and residents through posters, inmate handbooks, or other written formats [28 CFR 115.33(a)(f) and 28 CFR 115.333(a)(f) for juveniles]. The facility shall provide multiple internal ways for inmates, detainees, and juvenile residents to privately report sexual abuse and sexual harassment. Additionally, the facility shall provide at least one avenue to report to an outside agency, to protect anonymity and confidentiality [28 CFR 115.51(a)/28 CFR 115.51(b) and 28 CFR 115.351(a) /28 CFR 115.351(b) for juveniles]. Incidents reported to an external agency must be transferred to the facility where the incident occurred no later than 72 hours after the outside agent receives the allegation. Upon receipt of an allegation from an external reporting agent, the custodial facility staff must document the incident, investigate, and notify the facility (28 CFR 115.63 and 28 CFR 115.363 for juveniles).

All inmates and juvenile residents must receive comprehensive education within 30 days of booking, either in person or by video, explaining their rights to report sexual abuse and harassment without fear of retaliation. [28 CFR 115.33(e) and 28 CFR 115.333(e) for juveniles]. Each inmate's participation must be documented.

Another key element performed at booking is the screening process that identifies those inmates, detainees, and juvenile residents at risk of being sexually victimized and those who may be sexually abusive. This screening process should occur within 72 hours of booking and in a setting that ensures confidentiality. Items covered in screening should include prior acts of violence and sexual abuse [28 CFR 115.41(a)(b)(e) and 28 CFR 115.341(a)(b)(e) for juveniles].

Custodial facilities that house inmates, detainees, or juvenile residents should have video monitoring, where applicable, of communal areas to protect inmates against sexual abuse. It must cover areas in which staff and inmates or juvenile residents at the Juvenile Detention Facility are isolated. [28 CFR 115.13(a) and 28 CFR 115.313(a) for juveniles].

A Department of Justice (DOJ) certified auditor is required to perform a comprehensive audit covering every aspect of PREA every three years with the audit reports posted on each department's website (28 CFR 115.401).

There are considerable consequences for the failure to comply with PREA regulations, including the potential loss of DOJ grant funding otherwise available for correctional and custodial facilities.

Reason for Investigation

The 2022-2023 Grand Jury reviewed multiple media reports of sexual abuse that occurred in San Joaquin County custodial facilities over the past three years. They also reviewed complaints stemming from allegations of sexual and physical abuse occurring within those County detention facilities.

Method of Investigation

The Grand Jury reviewed Federal documentation for PREA, media reports, San Joaquin County custodial facility websites, and detainee/resident complaints. The Grand Jury toured the County

Jail and Juvenile Detention Facility with corrections officers and juvenile detention facility officers. The Grand Jury also attended and received presentations from the County Sheriff's Office and the County Probation Office. Subsequently, five interviews were conducted.

Materials Reviewed

- ABC10 News, May 12, 2022, "San Joaquin County Sheriff Office Installing More Cameras in Jail in 2022."
- Title 15 California Code of Regulations, Minimum Standards for Detention Facilities.
- Annual PREA Audit reports of surrounding counties.
- Booking Medical Screen Questionnaires for Juvenile Detention and for the San Joaquin County Jail.
- Docket No. OAG-131: PREA Standards: Comments from Youth Advocates on Minimum Staffing Ratios at Juvenile Detention Facilities.
- Five-year history of inmate claims at the San Joaquin County Jail.
- Incident reports San Joaquin County Jail and Probation Department for Juvenile Detention.
- Inmate Grievances-SJC Jail and SJC Juvenile Detention Facility.
- Inmate Orientation and Rule Books.
- KCRA3 News, September 30, 2021, "Former San Joaquin County Correction Officer Found Guilty of Raping Inmates."
- 28 Code of Federal Regulations 115, Docket No. OAG-131, Rin 1105-AB34.
- Policies and Procedures Manual for the San Joaquin County Sheriff's Office Custody Division including section 3.1.16. Sexual Misconduct (PREA).
- Prison Rape Elimination Act-Juvenile Facility Standards (DOJ) 28 CFR Parts 115 (28 CFR115.311 through 28 CFR 115.393 pertain to juvenile standards).
- Prison Rape Elimination Act-Prisons and Jail Standards (DOJ) 28 CFR Parts 115 (28 CFR 115.11 through 28 CFR 115.501).
- San Joaquin County Probation Department: Juvenile Detention Policy and Procedure Manual.
- Video surveillance recordings of the booking process.
- Youth Handbook for Juvenile Detention.

Websites Visited

- *Alameda County Sheriff's Office*. Accessed January 22, 2023, <https://www.alamedacountysheriff.org>
- *Bureau of Justice Statistics*. Accessed January 27, 2023, <https://bjs.ojp.gov/programs/national-prisoner-statistics#:~:text=National%20Prisoner%20Statistics%20Program%20Produces%20annual%20national->
- *California Department of Corrections and Rehabilitation. Prison Rape Elimination Act*. Accessed December 21, 2022, <http://www.cdcr.ca.gov/prea>
- *California Division of Juvenile Justice - (DJJ)*. Accessed February 2, 2023, <https://www.cdcr.ca.gov/juvenile-justice>
- *Contra Costa County Office of the Sheriff*. Accessed October 6, 2022, <https://www.cocosherriff.org>

- *Fresno County Sheriff's Office*. Accessed November 9, 2022, <https://www.fresnosheriff.org>.
- *Kern County Sheriff's Office*. Accessed November 9, 2022, <https://www.kernsheriff.org>
- *PREA Audit Process and Appeals*. *PREA Auditors of America*. Accessed February 8, 2023, from <https://preaauditing.com/prea-audit-process-and-appeals/>
- *PREA Resources*. Accessed February 8, 2023, <https://www.prearesourcecenter.org/>
- *Sacramento County Sheriff's Office*. Accessed September 18, 2022, <https://www.sacsheriff.com>
- *San Joaquin County Jail Officer indicted by grand jury for sexual assault crimes*. *The Stockton Record*. Accessed Feb. 8, 2023, <https://www.recordnet.com/story/news/local/2021/12/04/sj-county-jail-officer-indicted-grand-jury-sexual-assault-crimes/8859662002>
- *San Joaquin County Sheriff's Office*. Accessed January 24, 2022, <https://www.sjsheriff.org/prea>
- *SJ jail Officer arrested, 3 Sheriff's Office staffers on leave after drug, weapons probe*. Accessed February 8, 2023. <https://stocktonia.org/2023/02/06/sj-jail-officer-arrested-3-sheriffs-office-staffers-on-leave-after-drug-weapons-probe/r-drug-weapons-probe/>
- *Sonoma County Sheriff's Office*. Accessed September 6, 2022, <https://www.sonomasheriff.org>
- *Stanislaus County Sheriff's Department*. Accessed September 6, 2022, <https://www.scsdonline.com>
- *The Marshall Project*. Accessed February 8, 2023, <https://www.themarshallproject.org/>
- *Third sexual misconduct complaint filed against Stockton police officer*. *The Stockton Record*. Accessed February 8, 2023, <https://www.recordnet.com/story/news/2022/06/29/third-accuses-stockton-pd-officer-nicholas-bloed-sexual-misconduct/7774014001/>

Facilities Visited

- San Joaquin County Jail
- San Joaquin County Juvenile Detention Facility
- City of Lodi Jail

Discussions, Findings, and Recommendations

1.0 San Joaquin County Jail: PREA Compliance Deficiencies

PREA standards mandate that an audit conducted by a certified Department of Justice auditor is performed every three years. The San Joaquin County Sheriff's Office has never had an audit completed since PREA standards were published and adopted in 2012 (28 CFR 115.401). An audit would establish whether agency-wide policies and procedures comply with relevant PREA standards. The audits are required to be public and available on the Sheriff's website, to ensure transparency and inform the public (28 CFR 115.403F).

The San Joaquin County Sheriff's Office is required by PREA to provide written materials and ensure that posters are visible that explain inmate rights and the zero-tolerance policy regarding sexual abuse or sexual harassment and how to report it. After touring the San Joaquin County Jail, the Grand Jury examined printed materials and the jail facility fails to provide adequate notices to inmates as required by PREA. There are only a few printed Inmate Orientation and Rule Books available to inmates, and the current handbook is vague. It offers a simple statement that if abused

to report it to staff. There is no guidance on how to avoid or be protected from retaliation or how to make a confidential report.

PREA requires multiple internal means for inmates to privately report sex abuse and harassment. One of these reporting options must be to a public entity or private office that is not part of the agency and enables the inmate's report to remain confidential. The jail handbook only provides the phone number to a designated Sheriff's phone and explains that the reporting to that phone number and extension is confidential. However, this method for reporting may not ensure privacy or confidentiality. An agency must have a method to receive third party reports of sexual abuse and sexual harassment and is required to publish and distribute information on how to report such a claim on behalf of an inmate. The San Joaquin County Sheriff's Office does not publish or distribute such information.

PREA requires education materials be understandable to all inmates, including those with limited English or reading skills, as well as those who are deaf or visually impaired. The Grand Jury saw no materials in languages other than English. Written material should be available in large font and basic language, and in languages common to the general population. National language lines, TTY (text telephones), video phones, Braille transcription, and American Sign Language interpreters are additional resources. Posting information on small kiosk screens in the housing units is problematic because they are not always available and language issues remain. The problem of reading and language skills has not been adequately addressed. Medical and Mental Health staff are another resource to work with developmentally delayed inmates.

PREA requires a medical screening tool be used during booking to uncover key information that will help determine appropriate housing units. The tool should be designed to keep inmates at risk of victimization away from potential abusers. The Grand Jury requested the medical screening questionnaire to confirm PREA compliance but did not receive it.

PREA states that all agencies shall provide, where applicable, video surveillance to protect inmates against sexual abuse. The surveillance video recording is a deterrent and can be used as evidentiary documents. The jail booking and other areas are equipped with surveillance cameras, but the coverage area has blind spots. The San Joaquin County Sheriff's Office is installing more than 100 additional cameras throughout the jail to increase coverage within the facility in case there is conflict between staff and inmates. The Sheriff's Office stated that camera installation has been delayed until July of 2023 due to supply chain issues. The Sheriff's Office purchased 350 body cameras in 2022 that are now in use by the Department and at the jail.

Findings

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.

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.

F1.3 The San Joaquin County Sheriff's Office does not provide adequate means to report sexual abuse or 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 a reduction of Federal grant funding.

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.

Recommendations

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.

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.

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.

R1.4 By October 1, 2023, San Joaquin County Sheriff in conjunction with the County Information Systems Department install video surveillance equipment in the interrogation rooms to ensure the capability of providing visual evidence in the event of a complaint filed by a detainee or inmate.

2.0 San Joaquin County Juvenile Detention Facility: Lacking Full PREA Compliance

The Juvenile Detention Facility, also known as Juvenile Hall, is under the jurisdiction of the San Joaquin County Probation department. It houses juvenile residents under the juvenile classification of those under the age of 18. With the implementation of the Department of Juvenile Justice Realignment under California SB823, there are now older residents ages 18-25 housed in the same facility.

PREA standards are applicable to both juvenile and adult facilities pursuant to 28 CFR 115.401(b). Procedures to comply with PREA standards at juvenile facilities must be reviewed and updated annually. The last update for the San Joaquin County Probation Department Juvenile Detention Policy and Procedure Manual occurred in 2019. That update failed to capture the extensive

changes in PREA rules that have occurred since then because they were prior to SB823 under Juvenile Justice Realignment. The PREA standards require that direct employees and contracted third party employees are trained when hired and then complete training every two years thereafter.

PREA originally was clear that older residents could not be housed with juvenile residents. With the new procedures under the Department of Juvenile Justice realignment in California, adults between the ages of 18 and 25 are now considered older residents and may be housed with juvenile residents at the SJC Juvenile Detention Facility. PREA prohibits older residents and juvenile residents from sharing overnight housing but can be together and intermingle for classes and other joint events. PREA standards including staffing ratios for juvenile facilities where adult and juvenile residents are housed in the same juvenile facility are 1:8 during waking hours and 1:16 during sleeping hours under 28 CFR 115.14(c). Procedures must explain how that separation is to be maintained and that all steps are taken to assure juvenile resident protection from unsupervised adults and older residents.

One purpose of PREA is to assure easy reporting, how to do it, how to protect from retaliation, while providing easy access to a completely confidential reporting office outside the Probation Department. Juvenile Probation offers all juvenile residents a call to the Women's Center Sexual Assault Crisis Line to make a claim but there is no procedure or protocol how that confidential message will reach an individual with the authority to investigate and maintain confidentiality. There should be written policies and procedures between the Probation Department and the call receiver. The agency's website and other public media do not explain how an individual can report sexual abuse or harassment on behalf of a juvenile resident.

PREA Standards for Juvenile Detention Facilities, 28 CFR 115.331 and 28 CFR 115.332, require that all staff, third party contractors, and volunteers working at a juvenile detention facility that have contact with juvenile residents receive comprehensive PREA training and receive refresher training every two years.

Findings

F2.1 Every three years PREA Audits by a Department of Justice certified auditor must be completed. The Probation Department for Juvenile Detention has never scheduled nor completed this mandated audit. This failure diminishes transparency, could put juvenile residents at risk, and could erode public trust, exposing the Probation Department and the Juvenile Detention Facility to potential lawsuits and financial liability.

F2.2 The Probation Department for Juvenile Detention has failed to conduct an annual review, mandated by 28 CFR 115.401(b), or updates for required procedures since 2019, which is a violation of PREA standards and could result in reduction of funding or other financial liability.

F2.3 The Probation Department for Juvenile Detention lacks published material explaining how separation between juveniles and older residents is to be maintained. Failure to maintain

separation and ensure steps are taken to protect juvenile residents from unsupervised older residents could result in undesirable interactions leading to potential lawsuits and financial liability.

F2.4 The Probation Department for Juvenile Detention has failed to provide a written policy or procedure to ensure a sexual assault or harassment victim's report to the Women's Center Sexual Assault Crisis Line will remain confidential.

F2.5 The Probation Department for Juvenile Detention's website and other public media fail to explain or reference how a third party can make a confidential report on behalf of a juvenile resident, which creates a lack of transparency and fails to provide required confidential accessibility options to file a report.

F2.6 The Probation Department for Juvenile Detention staff members demonstrated a lack of understanding that all federally mandated PREA standards apply to San Joaquin County's Juvenile Detention Facility. A lack of comprehensive understanding of all PREA standards that apply could result in a failure to adequately protect juvenile residents, contractors, and employees.

F2.7 The Probation Department for Juvenile Detention does not consistently provide training for educators, third party contractors, and volunteers with refresher training every two years, which is a violation of PREA Standards 28 CFR 115.331 and 28 CFR 115.332 and could compromise the safety of staff, volunteers, and juvenile residents.

Recommendations

R2.1 By July 1, 2023, The Probation Department for Juvenile Detention 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.

R2.2 By October 1, 2023, The Probation Department for Juvenile Detention conduct an internal review for PREA compliance and update the Juvenile Detention Procedure Manual within 90 days following the PREA audit mandated by 28 CFR 115.401(b).

R2.3 By October 1, 2023, The Probation Department for Juvenile Detention develop, implement, and publish a written explanation and process describing how juvenile residents and older residents housed at Juvenile Detention Facility will maintain resident separation when required.

R2.4 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish written policies and procedures for maintaining resident confidentiality and privacy between the Juvenile Detention Facility and the Women's Center Sexual Assault Crisis Line.

R2.5 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish on their website and other public media a clear explanation and process for how a third party can make a confidential report on behalf of a juvenile resident.

R2.6 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish a policy to provide PREA training for all staff members, third party contractors, and volunteers and receive refresher training every two years.

3.0 City of Lodi Police Department Jail: PREA Materials and Posters not Visible

The City of Lodi jail is a lockup facility under the jurisdiction of the Lodi Police Department. It is used to detain individuals who have been arrested within the city limits and are waiting for a court appearance or transfer to another facility. The jail provides for the safety, security, and welfare of both the inmates and the staff. During a Grand Jury tour of Lodi jail and Lodi Police Department ride-alongs by Grand Jury members, it was noted that the jail does not have any posted PREA required materials in a visible location.

Findings

F3.1 The Lodi Police Department is not in full compliance with 28 CFR 115.33(f), which requires them to provide written materials and visible posters explaining inmate rights and the Department's zero-tolerance policy regarding sexual abuse or sexual harassment at the jail. This could result in delays in reporting and investigating, exposing the Office to potential lawsuits, financial liability, and reduction in grant funding.

Recommendations

R3.1 By October 1, 2023, the City of Lodi Jail and Police Department provide visible posters and written materials explaining inmate rights and the Department's zero-tolerance policy regarding sexual abuse in the booking, processing, and holding areas within the jail.

Conclusion

The San Joaquin County Sheriff's Office and the Probation Department for Juvenile Detention need to bring their departments into full compliance with PREA requirements. Priority should be given to those requirements related to disseminating information and education to inmates, preparing and maintaining reports, and conducting timely internal and DOJ PREA audits.

The Sheriff's Office is moving in the right direction by installing more than 100 additional cameras throughout the San Joaquin County jail, but the project is not expected to be completed until July of 2023. The Sheriff's Office acquired 350 body cameras in 2022 that are now in use at the jail. This additional surveillance equipment will provide transparency and improve determination of fault in the cases of conflict between staff and inmates.

Full compliance with PREA rules can benefit the San Joaquin County Sheriff's Department and Probation Department in regard to the custodial facilities under their jurisdiction by maintaining their eligibility to receive additional federal funds and grants and reducing the risk of legal action filed against their departments.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 60 days of receipt of the report.

- The Sheriff shall respond to Findings F1.1, F1.2, F1.3 and F1.4 and Recommendations R1.1, R1.2, R1.3 and R1.4.
- The Probation Department shall respond to Findings F2.1, F2.2, F2.3, F2.4, F2.5, F2.6, and F2.7 and Recommendations R2.1, R2.2, R2.3, R2.4, R2.5 and R2.6.
- The Lodi Police Department shall respond to Finding F3.1 and Recommendation R3.1.

Mail or hand deliver a hard copy of the response to:

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

Also, please email a copy of the response to Ms. Krystal Gonzalez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.