

County of Santa Clara

Office of the Sheriff

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INTRODUCTION

At the December Public Safety and Justice Committee (PSJC) meeting, the Office of the Sheriff was directed to provide a report detailing assaults, related gang activity and the relationship to AB 109 in our local jail facilities. This data was not previously available in a culled or combined format. Staff spent a total of 230 hours reading and analyzing reports to determine the gang affiliation of assault victims and suspects and then cross-checking that information with judicial data to determine their relationship to pre and post AB109 implementation. This report will show the number of assaults that were "Inmate vs. Inmate" or "Inmate vs. Staff." It will indicate the "Number of Incidents", "Number of Inmates involved" and categorize those inmates who had gang affiliations. The report also identifies the involved inmates' custody status at the time of the incident. Our research is for a four-year period from 2010 to the end of 2013 to allow a comparison pre and post AB 109.

REPORT DEFINITIONS AND NOTES

Custody Status Definitions:

1. **Local Population:** Any inmate pre-sentenced or post-sentenced to a local charge. However, this population could include future AB109 related inmates.
2. **AB109:** Any post-sentenced inmate under 1170h PC.
3. **State:** Any inmate held on a violation of Parole or local charges and a violation of Parole.
4. **Federal:** Any inmate being held for the Federal Judicial system.

Note: The "Gang Ties" data only reveals that the inmates involved had gang ties and an additional charge of PC 186.22 (Gang Enhancement) may not have necessarily been charged.

EXECUTIVE SUMMARY

The population of inmates in our County Jail System has been on the rise since 2011 after experiencing a decline for the years preceding AB109. This reporting period saw the average daily population dip from 3837 in 2010 to a low of 3566 in 2011. Following the implementation of AB109, there was a sharp increase in 2013 bringing the average daily population to over 4000. This is an increase of more than 400 inmates. The average daily population of AB109 inmates is

currently just over 600. The data suggests that absent the implementation of AB109, our local jail population probably would have continued to hover between 3400 and 3700.

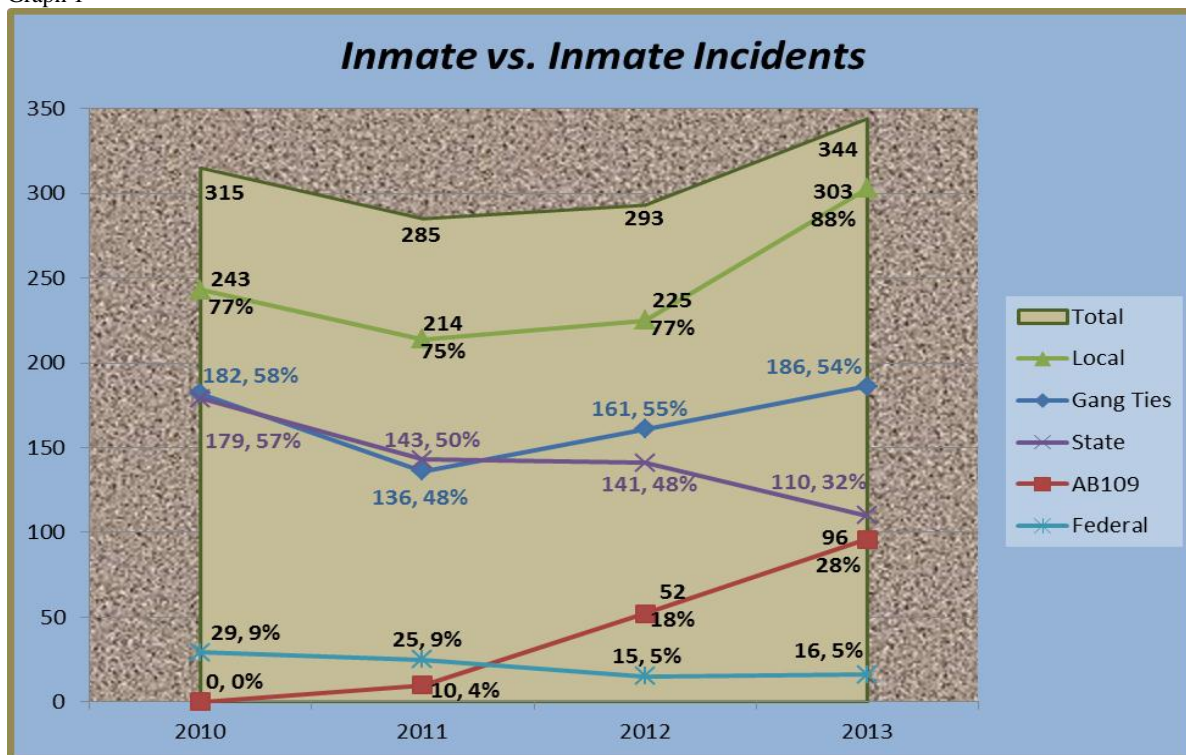
The following conclusions have been drawn from the analysis contained in the attached report:

- 1) The AB109 population currently accounts for approximately 15% of the total jail population and is the biggest reason for the increase in the average daily population since 2010. It is important to remember that there are more unidentified AB109 inmates residing in the Local population number because they are pre-sentenced.
- 2) The average daily population with gang ties accounts for 8.1% of the total population and has been on the rise since a low of 6.4% in 2011.
- 3) Inmate vs. Inmate assaults rose commensurate with the rise in population. Assaults between inmates rose in the AB109 population, the Gang Tie population, and the Local population almost equally. Gang Tie assaults only accounted for half of the total number of assaults. However, the number of serious and violent gang related assaults resulting in a formal criminal investigation and referral for prosecution rose from 16 in 2011 to 61 (or 281%) in 2013. Some of this increase can be attributed to the Chief's 2012 reinforcement of rules and guidelines governing when crime reports should be taken. However, after analyzing the crime reports we believe that the data still suggests assaults between inmates are becoming more serious and frequent.
- 4) Inmate vs. Staff assaults rose 20% with the rise in population since 2011. However, the AB109 population did not appear to contribute to the rise and the Gang Tie population only contributed to a very small percentage of the rise. The Local population without gang ties continues to account for the majority of the assaults against staff.
- 5) Assaults have been on the rise since 2011 and have risen commensurate with the rise in population. While AB109 can be credited as the biggest reason in the population rise, it does not appear that the AB109 population or the Gang Tie population as individuals is directly responsible.
- 6) It is our opinion that the rise in population and the challenges associated with the classification and housing of the increasing Gang Tie and AB109 population is putting pressure on the system. This population creates an increase in housing moves, less opportunity for out-of-cell time and sundeck time. When you take into account the aging facilities and the frequent problems with plumbing, door locks, and the impact on visiting due to security concerns it is easy to understand that tensions may rise among the jail population as a whole leading to more assaults.

ANALYSIS

The following graph depicts incidents of “Inmate vs. Inmate(s)”. Of interest is the upswing in incidents with our local population that coincides with the number of total incidents. As will be shown in graph number 4, these lines also rise with our overall average population. Another increase is the population with gang ties; however this would also coincide with the rise in our gang population. Lastly, the number of AB 109 inmate incidents is on the rise, as is the AB 109 total population. Conversely, the state population is on the decrease because a large portion of the state inmates have now been reclassified as AB 109. The same inmates would have been housed in our local facilities prior to AB 109 as state inmates.

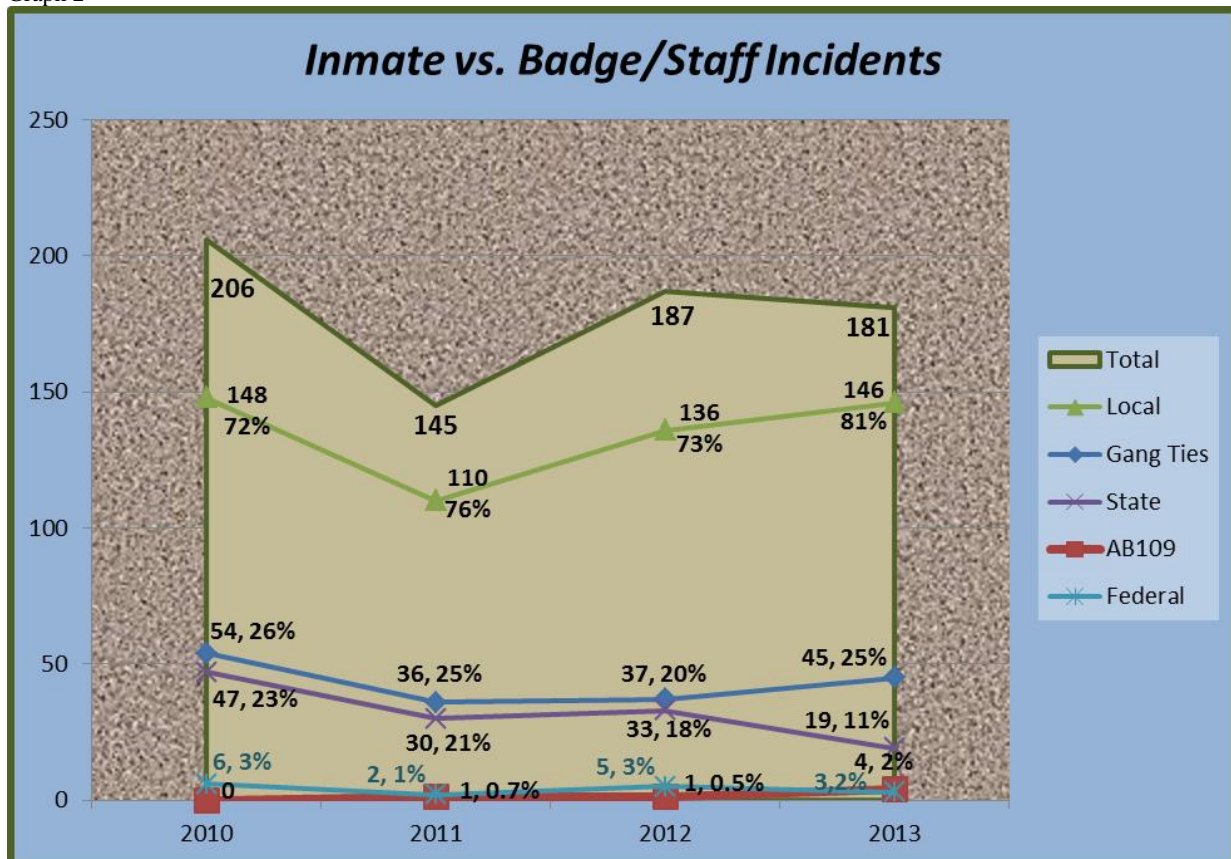
Graph 1



*The total number of incidents will not equal the number from each category. One inmate involved in an incident may be associated with more than one category.

This graph indicates the number of incidents involving assaults against staff. The degree of the assaults will range from inmates resisting staff who may be attempting to control them to an intentional assault against staff. There is a rise in incidents with our local population which correlates with a rise in our overall population. We have also seen an increase in incidents with inmates who have gang affiliations which is reflective of the rise in inmates in custody with gang affiliations.

Graph 2

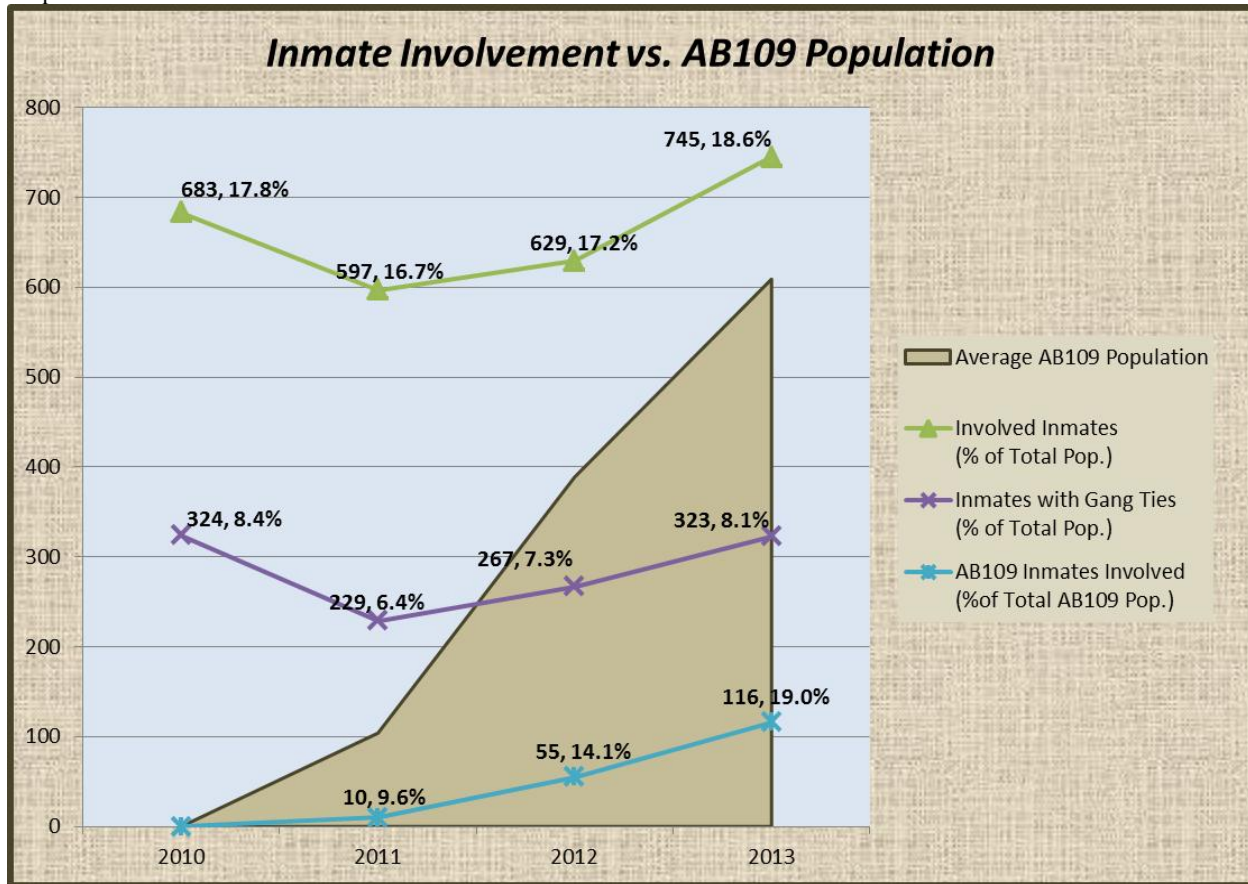


*The total number of incidents will not equal the number from each category. One inmate involved in an incident may be associated with more than one category.

When an incident occurs, there may be one or more inmates involved. The next graph reveals the number of inmates involved in the incidents shown in the previous graphs.

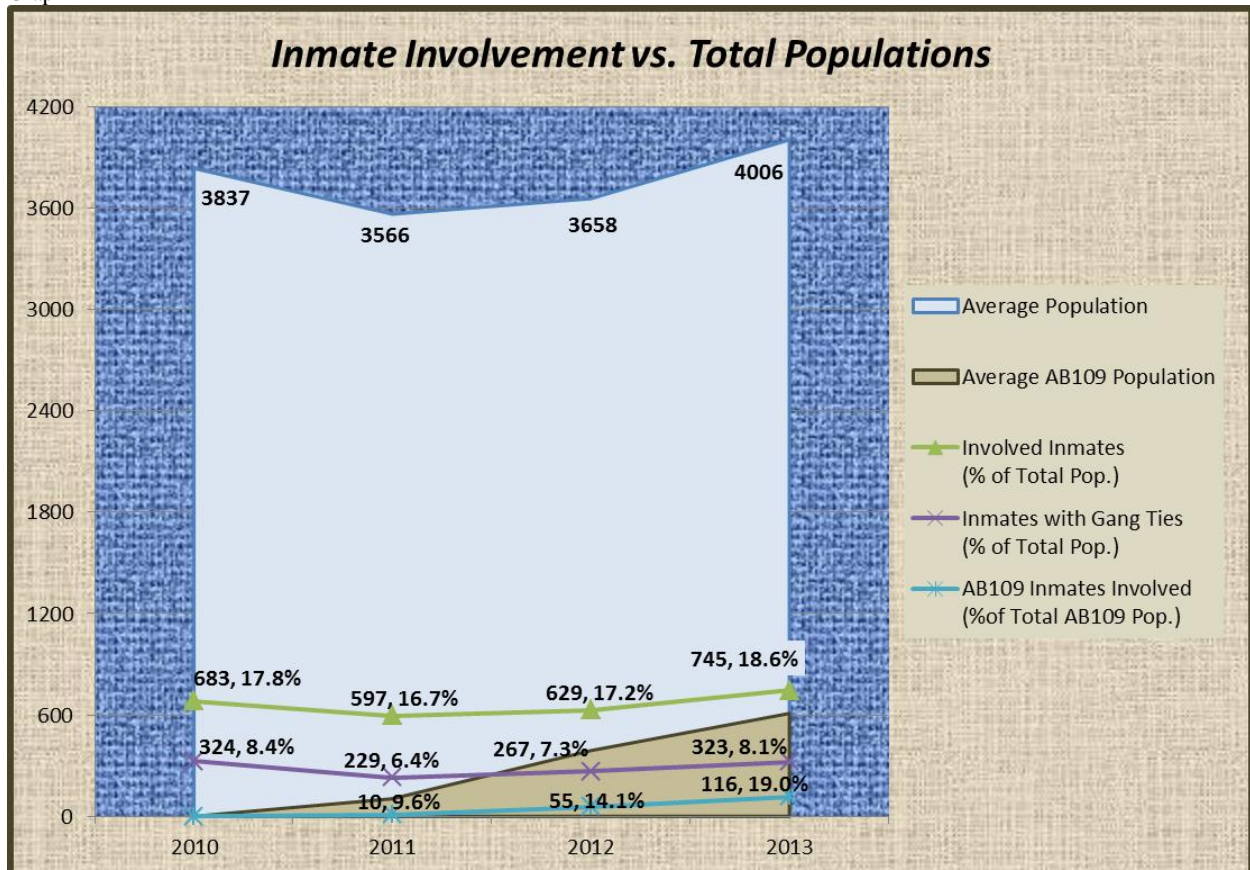
Graph 3 provides a glance of the number of inmates involved in incidents and compares that number to AB 109 and gang affiliated inmates. While the average total number of AB 109 inmates rises dramatically, the numbers of AB 109 inmates involved only rises slightly.

Graph 3



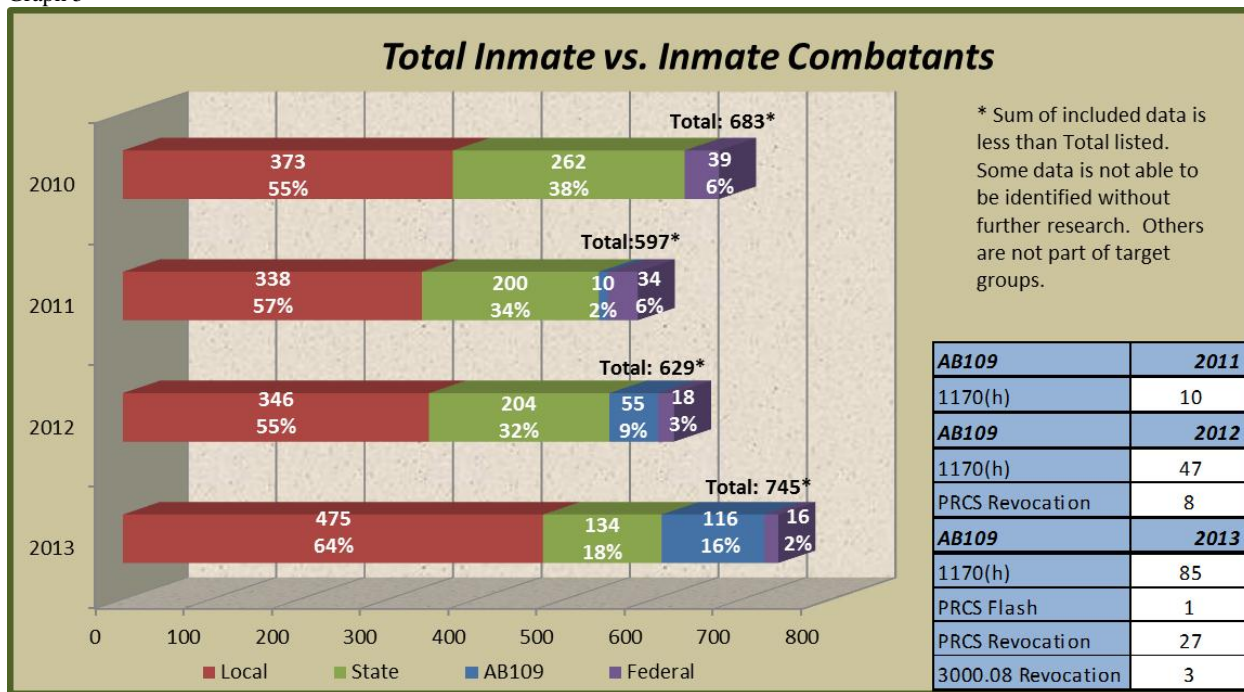
In the next graph, we compared the total population to the number of inmates involved in assaults. The number of AB 109 inmates involved in altercation has increased steadily since 2011, but is in line with percentage of our overall population.

Graph 4



The next graph reflects the total number of inmates involved in incidents by year and a breakdown of the category of the inmate. The data indicates a high number of state inmates involved in incidents in 2010. In 2013, there are a lower number of state inmates involved in incidents. When the AB 109 inmates are added to this number, we see approximately the same number as 2010 reflected. Our opinion is the state inmates that were involved in incidents is approximately the same, just categorized differently.

Graph 5

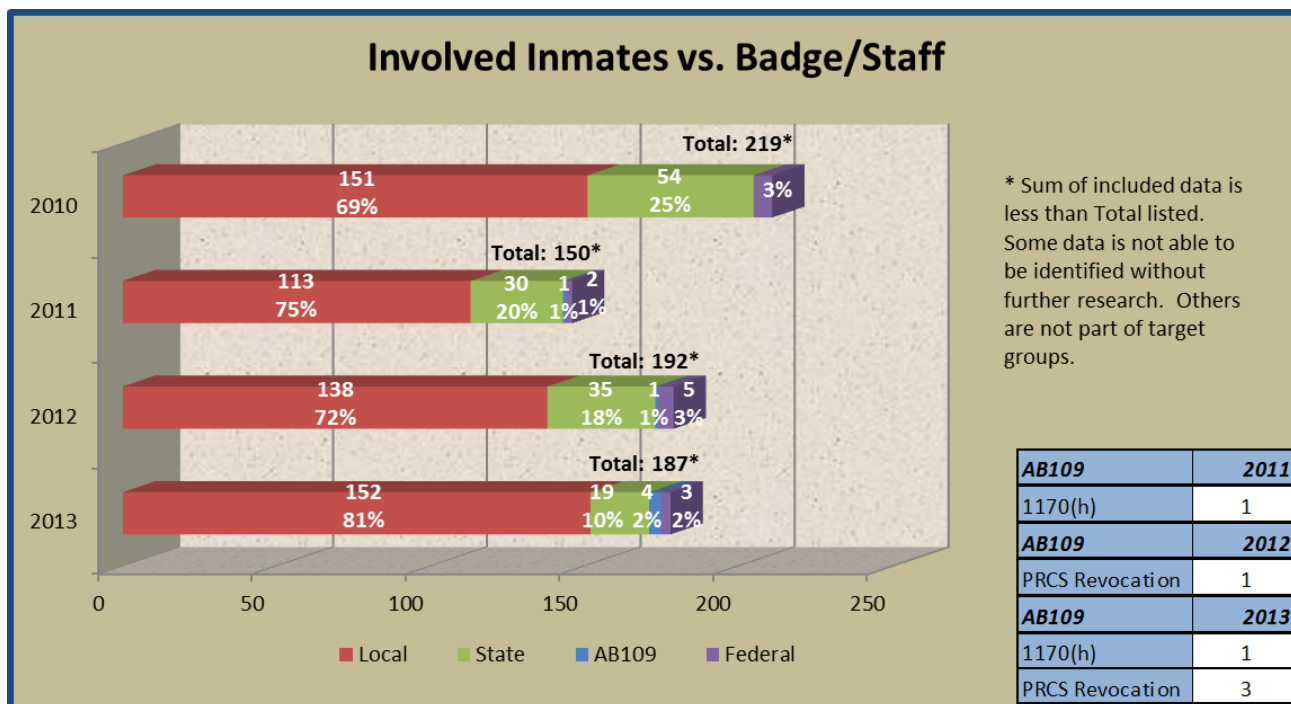


The data in this area reflects a breakdown by category within the AB 109 population on the bars above.



Graph 6 shows the number of inmates involved in incidents against staff. The number of inmate assaults on staff is down from 2010, but on the rise since 2011. The number of those who were classified as AB 109 are low.

Graph 6



The data in this area reflects a breakdown by category within the AB 109 population on the bars above. ↑

Santa Clara County Sheriff's Office Violent Gang-Related Cases – Jails/PC 186.22 Investigations

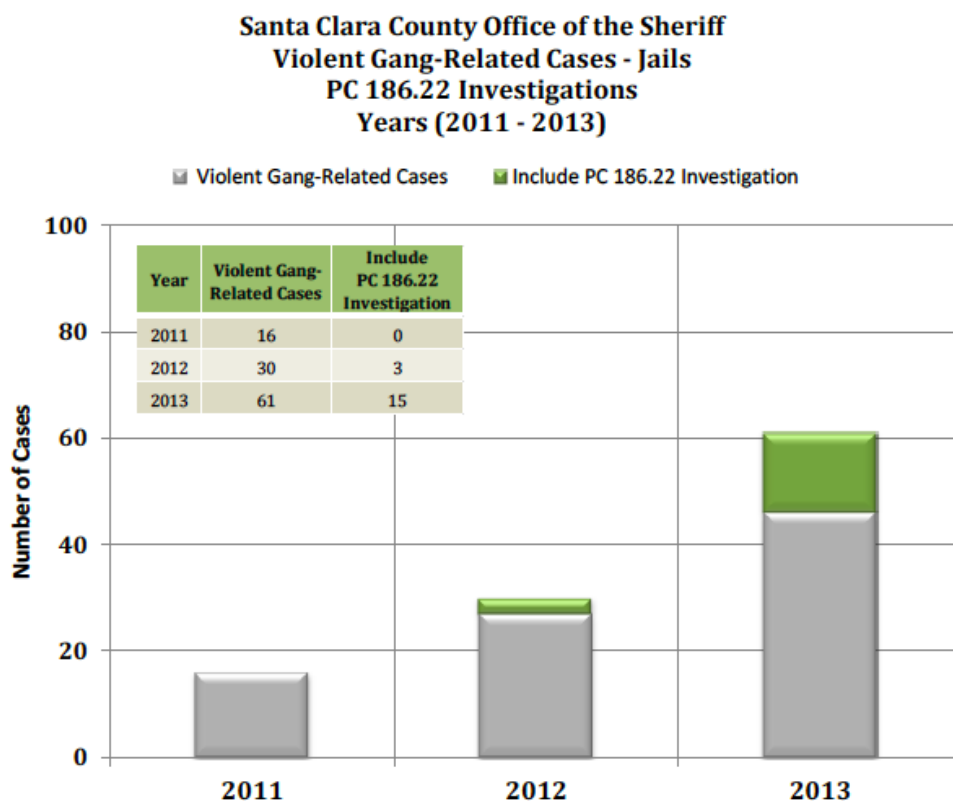
The Santa Clara County Sheriff's Office is responsible for investigating criminal activity occurring in the custody facilities, herein referred to as Jails. These crimes are investigated by the Investigative Services Division's Jail-Gang Crimes Unit. This unit is staffed with one (1) Sergeant and (1) Detective. 0 20 40 60 80 100 2011 2012 2013 Number of Cases Santa Clara County Office of the Sheriff Violent Gang-Related Cases - Jails PC 186.22 Investigations Years (2011 - 2013) Violent Gang-Related Cases Include PC 186.22 Investigation Year Violent Gang- Related Cases Include PC 186.22 Investigation 2011 16 0 2012 30 3 2013 61 15

The following summary is an analysis of the violent crimes in the Jails that were investigated for gang elements and possible prosecution under the California Street Terrorism Enforcement and Protection (S.T.E.P.) Act [Penal Code 186.20] for the years 2011-2013. For the purposes of this report, cases investigated for criminal participation in a street gang and/or a street gang enhancement will be referred to as a PC 186.22 investigation. This is in reference to Penal Code Section 186.22 (a), (b), and (d) of the S.T.E.P. Act, which specifically note the gang charge and enhancements. There were eighteen (18) violent gang-related cases in the Jails that were also PC 186.22 investigations between the years 2011 – 2013. Of these, there were three (3) convictions, five (5)

were not filed, and ten (10) are still in legal process through the criminal justice system. The determination of whether or not to file gang charges/enhancements on a particular case is a collaborative decision between the Jail-Gang Crimes Unit and the Office of the District Attorney's Gang Unit. With respect to the number of cases resulting in a PC 186.22 investigation year over year, that is largely dependent upon available personnel. PC 186.22 investigations require significant follow-up by the investigators who must also be a Gang Expert.

Figure I illustrates the total number of violent gang-related cases in the Jails for 2011 – 2013; as well as, parses out how many of those were PC 186.22 investigations year over year.

Figure I



Nearly 62% of the total violent gang-related cases in the Jails during this time period had challenges related to a lack of Victim/Witness cooperation and/or lack of desire to prosecute by the Victim. It is a case by case scenario as to whether or not a case can move forward without this assistance and is based upon the facts and circumstances known to the investigator at the time. The reasons why a Victim may decline prosecution with a case vary. In some instances, the Victim may believe they can handle the situation within the context of the street gang culture. Other times, there may be concerns by the Victim about further repercussions for cooperating. In any situation, a lack of Victim and/or Witness cooperation may impact the ability to prosecute these violent crimes as gang crimes.