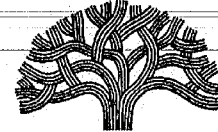


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AGENDA REPORT

Councilmember Nikki Fortunato Bas

CITY OF OAKLAND

CITY HALL, 1 FRANK OGAWA PLAZA, 2ND FLOOR, OAKLAND, CALIFORNIA 94612

DATE: May 2, 2019
TO: City Council and Members of the Public
FROM: Councilmember Nikki Fortunato Bas
SUBJECT: Resolution Supporting An Independent Audit Of The Alameda County Sheriff's Office

RECOMMENDATION

Councilmember Nikki Fortunato Bas recommends that the City Council adopt a resolution (1) In support of community requests for the Alameda County Board of Supervisors to allocate funding in the fiscal year 2019-2020 for an independent performance and financial audit of the Alameda County Sheriff's Office budget; (2) In the interest of transparency and accountability, support a collaborative audit process in which Oakland residents, community groups, and Alameda County officials will work together on an audit scope of work that is in the best interest of the people; and (3) Send copies of the Resolution to members of the Alameda County Board of Supervisors as well as the Alameda County Sheriff's Office.

SUMMARY

The Ella Baker Center for Human Rights and the Justice Reinvestment Coalition (JRC) of Alameda County along with Human Impact Partners (HIP), American Friends Services Committee (AFSC), CA Immigrant Youth Justice Alliance (CIYJA), Causa Justa Just Cause (CJJC), Oakland Community Organizations (OCO), Showing up for Racial Justice - Bay Area (SURJ), Urban Peace Movement (UPM), and the U.U. Oakland (Unitarian Church), called upon the Alameda County Board of Supervisors to conduct an independent financial and performance audit of the Alameda County Sheriff's Office (ACSO) budget on November 22, 2017.¹

¹ Bay City News Service. "Activist Groups Ask Supes to Audit Alameda Co. Sheriff's Budget." KTVU News. November 21, 2017. Accessed April 05, 2019. <http://www.ktvu.com/news/activist-groups-asksupes-to-audit-alameda-co-sheriffs-budget>.

Councilmember Nikki Fortunato Bas

Subject: Resolution Supporting An Independent Audit Of The Alameda County Sheriff's Office

In the last five years, ASCO has experienced 33 in-custody deaths.² In June, two in-custody deaths occurred in Santa Rita Jail within the span of just three days, including one mentally ill inmate who died from drinking too much water. In addition, there was the tragic death of Jessica St. Louis, a 26-year-old mother who was found dead at a BART station just hours after being released late at night from Santa Rita Jail. Since 2014, 29 women have come forward with civil suits against ACSO, alleging abuse and mistreatment.³ This includes a pregnant mother who was forced to give birth alone in a dirty cell while guards ignored her screams.

An independent audit of the ACSO would shine a light on issues that must be addressed in the ACSO in order to increase the safety and wellbeing of the Oakland community. Potential cost savings that may result from information provided in the audit could be redirected toward education, housing, public safety and other critical community priorities impacting Oakland and the broader Alameda County.

BACKGROUND

While the Alameda County jail population has decreased significantly over the past 10 years, the Board of Supervisors has increased the ACSO budget by \$144 million.⁴ Of additional concern are reports detailing prisoner hunger strikes in protest of inhumane and abusive conditions at ACSO-run facilities. In September 2017, four sheriff deputies were arrested "on charges of allowing inmates to spray urine and feces on other prisoners at Santa Rita Jail."⁵

Community members have also questioned the ACSO's decision to accept grant money and adopt policing activities associated with the Department of Homeland Security's Immigration Customs Enforcement (ICE) and judgment related to the design and operation of the annual Urban Shield exercise.⁶

According to a 2017 report, Sheriff Gregory Ahern explained that the reason for the budget increase was largely due to salaries and other increased operating costs.⁷ However, under the circumstances, it is difficult to justify budget increases. The Alameda County Board

² Bernal, Jose. "Opinion: Audit Actions of Alameda County Sheriff's Office". The Mercury News. January 15, 2019. Accessed April 1 2019.

<https://www.mercurynews.com/2019/01/15/opinion-audit-actions-of-alameda-county-sheriffs-office/>

³ Fernandez, Lisa & Nguyen, Candice. "Woman sue Santa Rita over humiliating treatment; sheriff says facility is 'best big jail in nation'" Fox KTVU News. November 14th, 2018. <http://www.ktvu.com/news/women-sue-alameda-county-jail-overhumiliating-treatment-sheriff-says-facility-is-best-in-nation>

⁴ "Save Money, Save Lives-Audit Sheriff Ahern." Ella Baker Center. Accessed April 05, 2019.

<https://ellabakercenter.org/get-involved/save-money-save-lives--audit-sheriff-ahern>.

⁵ Gammon, Robert. "Friday's Briefing: Four ALCO Sheriff's Deputies Arrested; Alameda Could Pocket \$1.6 Million a Year From Weed." East Bay Express. November 16, 2017. Accessed April 05, 2019.

<https://www.eastbayexpress.com/SevenDays/archives/2017/09/01/fridays-briefing-four-alco-sheriffsdeputies-arrested-alameda-could-pocket-16-million-a-year-from-weed>.

⁶ Lindsay, Ryan. "Activists Call for Audit of Sheriff Ahern." East Bay Express. January 22, 2018. Accessed April 05, 2018. <https://www.eastbayexpress.com/SevenDays/archives/2017/11/22/activists-call-foraudit-of-sheriff-ahern>.

⁷ Bay City News Service. "Activist Groups Ask Supes to Audit Alameda Co. Sheriff's Budget." KTVU

Councilmember Nikki Fortunato Bas

Subject: Resolution Supporting An Independent Audit Of The Alameda County Sheriff's Office

of Supervisors has an important responsibility to ensure that the ASCO is spending public funds wisely, particularly in the wake of several in-custody deaths and costly lawsuits.

ANALYSIS AND POLICY ALTERNATIVES

This resolution would support the independent financial and performance audit of the ACSO to ensure transparency around how Alameda County dollars are spent in the ACSO, and that no human rights violations are occurring under the ACSO's watch. This resolution urges the Alameda County Board of Supervisors to employ an independent auditor to investigate allegations of misconduct and abuse and to support a collaborative audit process in which Oakland residents, community groups, and Alameda County officials will work together on an audit scope of work that is in the best interest of the people. The resolution joins State Senator Nancy Skinner and community groups in advocating for an independent financial and performance audit of the ACSO to increase transparency and accountability.

FISCAL IMPACT

Potential cost savings that may result from information provided in the independent financial audit of the ACSO could be redirected toward education, housing, public safety and other critical community priorities impacting Oakland and the broader Alameda County.

PUBLIC OUTREACH / INTEREST

Stakeholders in support of the audit, including human rights, civil rights, immigrant rights, and other community groups, have sought the Councilmember's support.

COORDINATION

This report and legislation were coordinated with the City Attorney's office and the Mayor's Office.

SUSTAINABLE OPPORTUNITIES

Economic: This resolution supports increased fiscal transparency and accountability. An independent audit could lead to potential cost savings which could be redirected toward education, housing, public safety and other critical community priorities impacting Oakland and the broader Alameda County.

Environmental: There are no environmental impacts.

Social Equity: This resolution supports racial, social, and economic justice by shining a light on the budget and activities of the Alameda County Sheriff's Office, which disproportionately impact Oakland's African American and Latino residents under custody of the ACSO.

Councilmember Nikki Fortunato Bas

Subject: Resolution Supporting An Independent Audit Of The Alameda County Sheriff's Office

ACTION REQUESTED BY THE CITY COUNCIL

Councilmember Nikki Fortunato Bas recommends the City Council:

Adopt a resolution (1) Supporting community requests for the Alameda County Board of Supervisors to allocate funding in the fiscal year 2019-2020 for an independent performance and financial audit of the Alameda County Sheriff's Office budget; (2) In the interest of transparency and accountability, supports a collaborative audit process in which Oakland residents, community groups, and Alameda County officials will work together on an audit scope of work that is in the best interest of the people; and (3) Send copies of the Resolution to members of the Alameda County Board of Supervisors as well as the Alameda County Sheriff's Office.

For questions regarding this report, please contact Lia Azul Salaverry, Policy Analyst and Community Liaison, Office of Councilmember Nikki Fortunato Bas, at 510-238-7021.

Respectfully Submitted,



Nikki Fortunato Bas
Councilmember, District 2

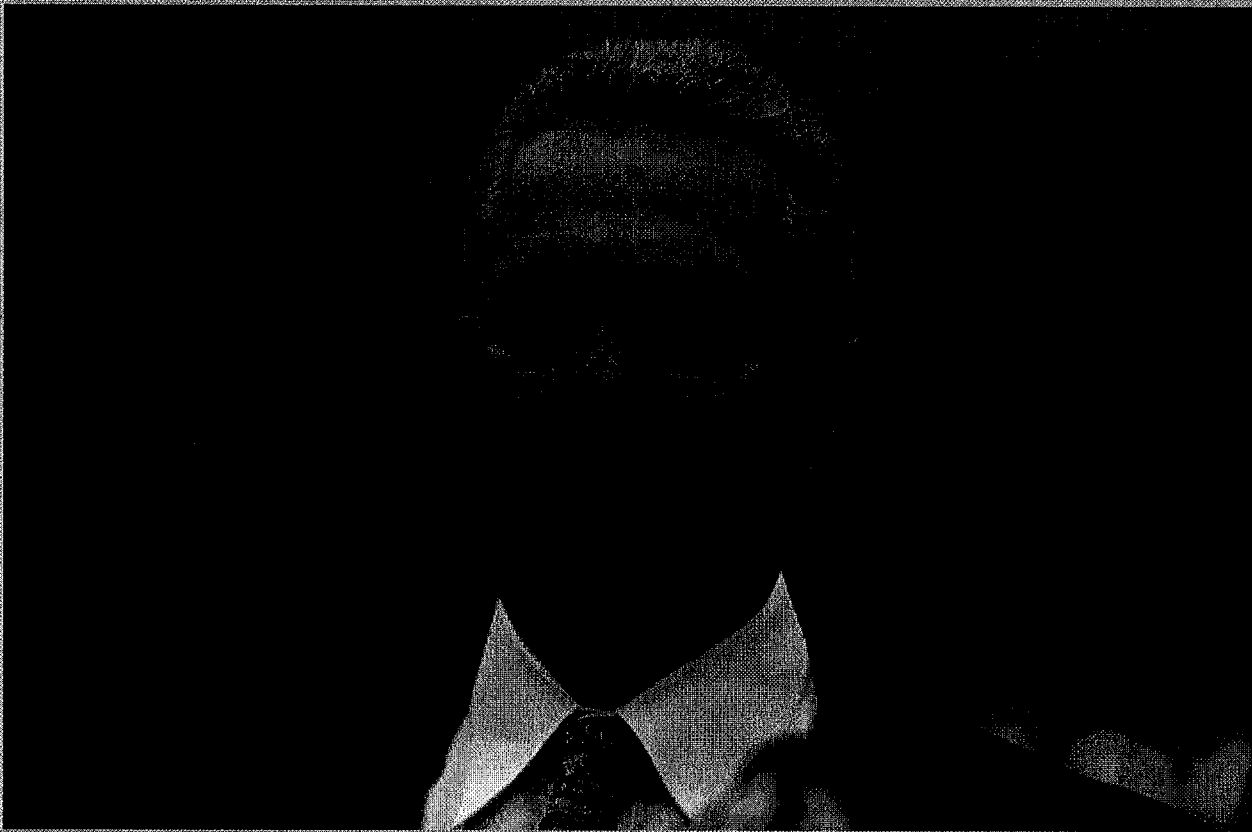
Prepared by:
Lia Azul Salaverry
Policy Analyst and Community Liaison
Office of Councilmember
Nikki Fortunato Bas

19 MAY -2 PM 3:24

Opinion > Commentary

Opinion: Audit actions of Alameda County Sheriff's Office

Sheriff Greg Ahern has fostered an us-versus-them law enforcement culture that threatens legal rights



Alameda County Sheriff Gregory J Ahern

(Susan Tripp Pollard/Bay Area News Group)

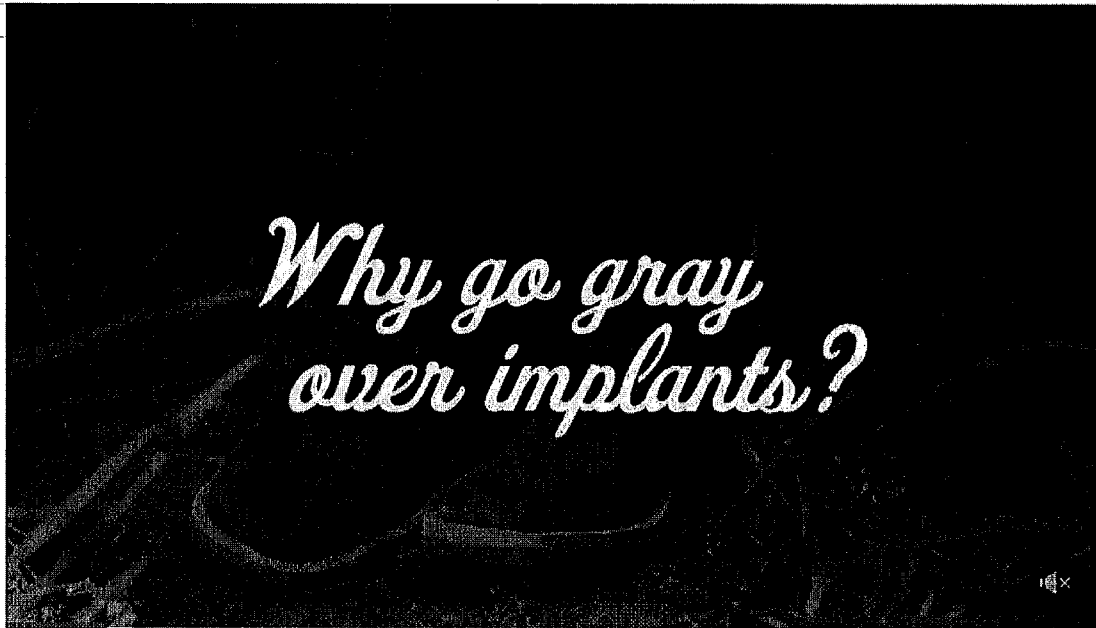
By JOSE BERNAL |

PUBLISHED: January 15, 2019 at 6:10 am | UPDATED: January 15, 2019 at 6:13 am



racial discrimination, to the illegal recording of privileged attorney-client conversations, leaving in its wake dead bodies, grieving families and costly lawsuits.

ADVERTISING



Yet the sheriff's power and budget continue to grow. Rather than thoroughly investigate the agency, the county has rewarded it with ever increasing sums of money. This era of no accountability has gone on too long, and both our district attorney and county Board of Supervisors owe us better.

The illegal recording scandal is the latest example. In August, a published video showed a deputy admitting to a supervisor that he recorded private conversations between detained youths and their lawyers — a flagrant violation of the constitutional right to counsel and attorney-client privilege.

To her credit, District Attorney Nancy O'Malley investigated the deputy's conduct and, after the discovery of additional recordings, charged him with four counts of felony eavesdropping. Her office is also reviewing juvenile prosecutions referred by the Sheriff's Office.

This is an appropriate first step, but not nearly enough. Investigating and charging only the deputy caught on tape treats a symptom while allowing the underlying disease to flourish.

There is every reason to approach this scandal as yet another in a long line of systemic failures, one that is a product of culture and policy rather than the isolated acts of a rogue officer. At the least, the public deserves a wider and more public investigation to understand the full scope of the illegal conduct.

For one, the deputy himself suggested that illegal recordings are standard practice. Second, given the sheriff's broad authority, there are many ways in which this sort of surveillance could occur.

Lawyers must often speak with their clients, both youth and adult, in environments controlled by the sheriff. If deputies listen in at office substations, they may use the same practice for jail meeting rooms and phone lines, and in courthouse holding areas. As Alameda County Public Defender Brendon Woods said, "we have to be on guard that it can be occurring anywhere at any time." That



public audit of the Sheriff's Office, a demand the Ella Baker Center for Human Rights has been making for over a year. Over the last decade, Sheriff Ahern's budget has grown by \$144 million — hitting an incredible \$443 million this year — despite a daily jail population that has dropped by 45 percent.

This enormous expenditure has translated to more deaths and abuse rather than a better-run department.

Since 2015, 41 lawsuits against the Sheriff's Office have cost \$15.5 million for civil rights violations that include a string of in-custody deaths and abuse of prisoners.

There have been 33 in-custody deaths since 2013, and in June two prisoners died at the Santa Rita Jail in three days. That includes the death of Dajuan Armstrong, whose family still has not received an explanation from the Sheriff's Office.

Moreover, recent reports have detailed how county prisoners are malnourished and provided inadequate healthcare. In one 2010 case, a man arrested for jaywalking and a prior warrant for DUI died in Santa Rita while suffering from alcohol withdrawal.

Sheriff Ahern has also been complicit in the Trump administration's draconian and racist anti-immigrant policies, facilitating ICE detentions by publishing the release dates of undocumented prisoners and allowing ICE access to non-public areas of county jails.

A full audit — and the transparency it would create — is the first step toward real accountability. In a county that prides itself on its progressive politics, and in a state known as a leader in criminal justice reform, the public deserves to know how the sheriff is using public funds to fuel inhumane law enforcement that flouts the law and basic decency.

Jose Bernal is an organizer and advocate at the Ella Baker Center for Human Rights in Oakland.

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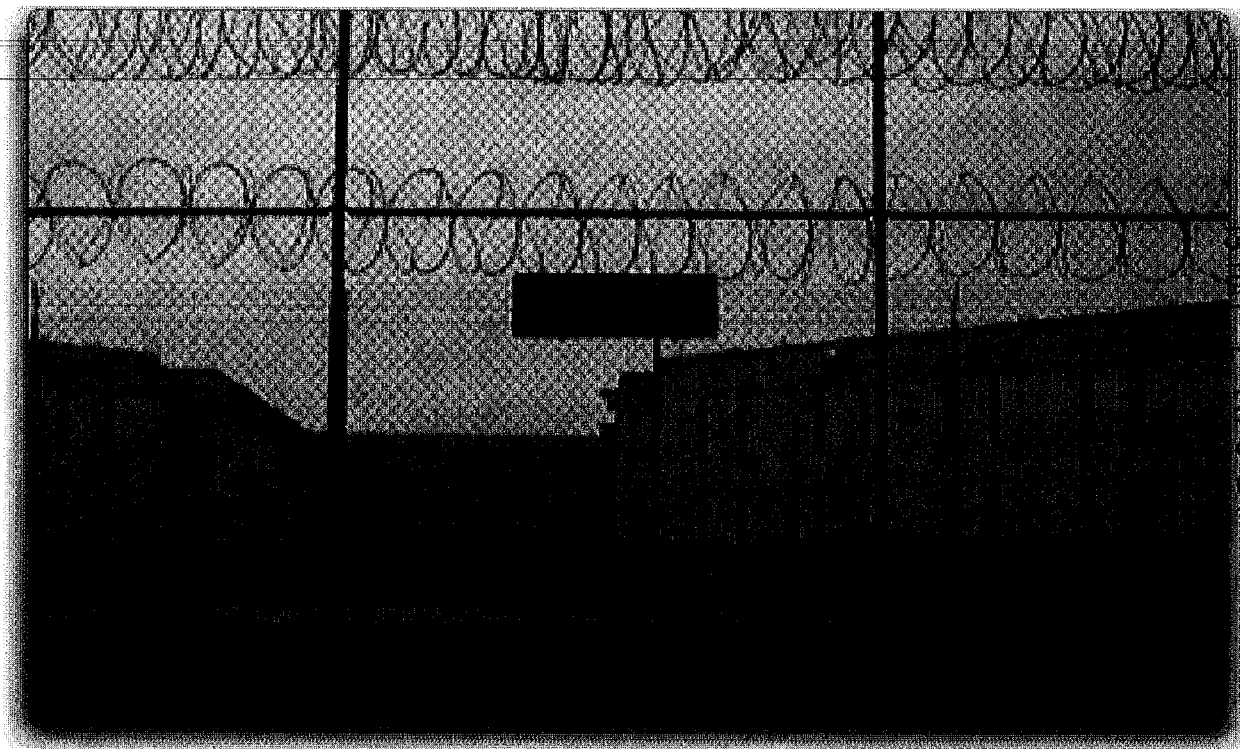


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HOLD SHERIFF ACCOUNTABLE FOR HUMAN RIGHTS VIOLATIONS at Alameda County Jail, Says New Report

By Oakland Community Organization - October 15, 2018



"Remember those who are in prison, as though you were in prison with them." Hebrews 13:3

The Live Free Committee of Oakland Community Organization (OCO) released a report titled "What's Up With Our Jails?" on Oct. 2, detailing human rights violations taking place in Alameda County jail.

The 2,600 people held in Alameda County jails daily are our brothers and sisters, fathers, mothers, and neighbors. The jails are ours, as taxpayers and voters, and should reflect our values.

Racial and economic injustices are evident in who ends up in jail. While we work to correct these injustices, our research raises urgent questions about county jail operations:

- Do our jails meet basic human rights standards?
- Do we offer persons leaving jail the resources they need to successfully return to our communities?
- What can we, as a community, do to make a difference?

Who Runs Our Jails?

The Alameda County Sheriff is the elected official with authority over county jail operations. The Alameda County Sheriff's Office (ACSO), under the direction of Sheriff Gregory Ahern since 2006, also polices unincorporated areas of the county and functions as county coroner.

The Alameda County Board of Supervisors, also an elected body, is responsible for authorizing the annual ACSO budget and monitoring jail conditions.

Who Is Locked Up?

Alameda County has two jails — the Santa Rita Jail (the larger facility, in Dublin) and the Glenn E. Dyer Detention Facility (a high-rise maximum security jail in Oakland).

Alameda County Sheriff Greg Ahern.
Photo by Shane Bond.



population is more than 50 percent African-American, 20 percent Latino, and less than 20 percent white.

Reasons for Incarceration: Only 446 (18 percent) of the 2,598 people held in our jails in early 2018 were actually serving sentences. According to ACSO data from December 2017, of those detained but not sentenced, one-third were bail-eligible.

They remained in custody because they were too poor to afford bail.

Length of Incarceration: Some people are serving sentences of years rather than months in our jails. State prison reforms in 2011 moved many people convicted of nonviolent crimes from state jurisdiction to the counties.

For lower-level offenders, local supervision is supposed to be better than state prison. Yet county jails were never intended for long confinement.

Even pretrial incarceration can take years. In 2013, for instance, Dajon Ford was arrested as a juvenile and spent four years in Santa Rita awaiting trial before community efforts finally won his freedom.

OCO Findings

OCO leaders have heard many complaints about the treatment of people detained in the county's jails over the years. Based on our research, we find these to be the most serious current problems.

Pregnancy: At Santa Rita, pregnant women are in with the general population unless they ask to be moved to a medical unit, which means isolation 23 hours a day. Multiple sworn testimonies reveal that medical needs for pregnant women are often neglected.

"A very pregnant woman ... was in so much pain she could not walk. ... Instead of taking her to receive medical care, [deputies] placed her in an isolation cell ... [she] began to scream. This went on for hours. ... Finally, we could hear the crying of a baby ... [she] had given birth, alone," from a sworn declaration of a woman incarcerated at Santa Rita.

Medical Care: Many lawsuits have been brought against the jails' for-profit medical care contractors. Sheriff's deputies are not trained as certified emergency medical responders. In 2015, Mario Martinez died in Santa Rita when deputies ignored cries for help and failed to provide needed medical care.

Food Services: Complaints about poor jail food and kitchen cleanliness — including reports of animal feces and rats — are common. A recent Alameda County Public Health Department inspection found that 24 percent of persons in Santa Rita were not getting their required diets. Canteen food is available, but only to those who can pay for it.

Hygiene Services: Female inmates have testified in recent lawsuits that they cannot get the sanitary supplies they need. During the 2017 hunger strike at Glenn Dyer, inmates complained that they were getting only one set of clean clothes per week.

Isolation: Ten percent of Santa Rita inmates and 20 percent of Glenn Dyer inmates are held in "administrative isolation" — a kind of solitary confinement. Isolation was a major grievance of the Glenn Dyer strikers. Studies have shown solitary confinement can "severely impair prisoners' capacity for normal human functioning."

Contact with Family and Community: Family visitation is restricted to 30 minutes. No physical contact is permitted. Visiting hours are available during limited hours, three days a week. The cost of phone and video calls runs about \$6 for 15 minutes.



"A 30-minute visit maximum a week ... is not enough. It breaks families. They use visits as punishment, taking visits away," said two men formerly held in Santa Rita.

Lack of Translators: Although there are bilingual deputies and ACSO has a rulebook in Spanish, there are no dedicated translators on staff. Translation is often done informally among inmates. Language barriers can prevent individuals from participating in programs and services.

ICE and Undocumented Persons: Despite sanctuary policies passed by the Board of Supervisors that restrict contact between ICE and law enforcement, the Sheriff's Office has posted inmates' release dates on the internet. This allows ICE to take undocumented persons into custody (even though being held at Santa Rita Jail is not evidence of criminal guilt) and exposes others to harassment or retaliation as they leave the jail.

Release from Jail: People are often released from our jails at night and alone with no more than a BART ticket — without even a few days' supply of essential medications. Since Medi-Cal benefits are automatically suspended in jail, many people return to the community with no medical coverage.

"They just release you. No referrals. They gave me a \$5 BART ticket. I had to walk to the BART station in my [jail] blues," according to two young men released from Santa Rita.

Re-entry and Rehab Programs: In 2014, the Alameda County Board of Supervisors adopted a re-entry strategic plan to help break the cycle of returning the same people to jail.

The plan, not yet implemented, acknowledges the need to provide inmates with a wide range of services such as housing, health care, mental health and substance abuse services; employment; and education.

Yet rehabilitative programs within Santa Rita Jail remain underfunded and understaffed, serving relatively few inmates effectively. Only the most motivated individuals tend to get the help they need. But society would be better off if everyone received needed services.

They classify people by tattoos, gang, where they're from. ... Couldn't take college or trade classes in there because of security," said one young man who had been in Santa Rita.

"There are waiting lists. Everybody is trying to get into a program," said another young man who did time in the jail.

Our sources report that ACSO's jail classification system (the way it segregates and houses people for security and other reasons) ends up denying program access to those who need resources the most. (ACSO, unlike state prisons, does not make its classification system public.)

ACSO also routinely excludes formerly incarcerated persons from serving as community program staff and peer mentors within the jail, eliminating another invaluable resource for inmates.

We must reduce the likelihood of people returning to jail. The community has a right to expect that people returning to our families and neighborhoods after staying in our jails will not be worse off than before they were detained.

Community Action Makes a Difference

1. Demand that our jails adopt best practices – changes Alameda County should initiate immediately:



inmates held for longer periods.

- Adopt a supportive model for meeting the critical needs of pregnant women and new mothers.
- Make the cost of phone calls and jail canteen food affordable for all inmates, as Santa Clara County has done.
- Prohibit the posting of inmate release information on the internet where it can endanger the lives and safety of those departing custody.

2. Insist on more effective community re-entry programs.

- Return to the community is the expected outcome for every person held in our jails. This understanding should drive a comprehensive "needs-based" re-entry plan for each individual. As the re-entry strategic plan adopted by the county in 2014 stated, effective re-entry "begins with assisting the individual at the earliest possible point of contact with the criminal justice system [and continues] through community-based supervision and community integration."
- Require A Full Needs Assessment: Every inmate must receive a full assessment of their needs so that they are better prepared to re-enter the community. This means identifying their health, education, housing, and employment needs. Job training and placement are particularly essential to successful re-entry.
- Release with a Warm Hand-Off: Our jails must ensure that all released individuals have safe transportation, emergency housing if needed and access to critical community services to meet their immediate needs (medical services, mental health care, substance abuse treatment and domestic violence prevention).

Four hours after her 1:30 a.m. release from Santa Rita on July 28, 2018, Jessica St. Louis, 26, was found dead near the passenger pick-up area of the Dublin/Pleasanton BART station, two miles from the jail, according to the San Francisco Chronicle, Aug. 8, 2018.

The county must ensure that Medi-Cal benefits are reinstated at the point of release. San Diego and Los Angeles counties work with the Department of Motor Vehicles so that everyone leaving jail has an ID or driver's license. Alameda County should adopt this model.

- Ensure Continuity with Community-Based Providers: On-site and re-entry programs are better run by community-based providers who can offer continuity of services once people are released, rather than by the Sheriff's Office whose primary expertise is detention and law enforcement.

In its re-entry strategic plan, the Board of Supervisors concurred that a successful return to the community relies on "high-quality, peer-involved and comprehensive" programs and services.

3. Hold our elected officials accountable and institute community oversight.

The Alameda County Board of Supervisors holds the purse strings of the Sheriff's Office. Since 2005, the county jail population has declined by 45 percent while the sheriff's budget for detention and corrections has increased by 92 percent. This large increase in ACSO's resources raises questions for taxpayers:

How are these dollars being used?

How can money be reinvested in community-based re-entry programs and services?



group that includes OCO) has proposed a Financial Management and Performance Audit to determine how ACSO has used increased resources while its jail population has decreased — and to what effect. The audit is an essential step toward systematic ACSO transparency. We demand that the Board of Supervisors adopt the audit as proposed.

- ~~Separate coroner duties from the sheriff: In Alameda County, the sheriff is also the county coroner by law. Deaths that occur inside the jails are medically examined by ACSO (including two deaths that occurred within one week in June 2018). Coroner duties must be separated from the Sheriff's Office.~~
- Establish independent oversight: No one can be expected to monitor their own behavior objectively. Los Angeles and Santa Clara counties have initiated independent oversight agencies of their sheriff's departments. Alameda County should adopt a model of independent community oversight of jail conditions and re-entry programs.

Greater accountability and oversight of the Sheriff's Office are in the interests of a wide range of stakeholders in Alameda County, including deputies working in the jails.

What's Next?

The immediate goals of OCO's Live Free Committee are to guarantee humane jail conditions and to return individuals to the community with the resources to improve their chances for success.

For information about OCO's jail project as well as sources, methods, citations and notes, see www.oaklandcommunity.org/OurJails or contact BK Woodson Sr. at servantbk@oaklandcommunity.org

Oakland Community Organization



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Sheriff Greg Ahern of Alameda County, California

Elijah Nouvelage/Getty Images

ICE-FRIENDLY POLICIES. A STRING OF JAIL DEATHS. WHY DOES THIS SHERIFF KEEP GETTING ELECTED?

Advocates say Alameda County Sheriff Greg Ahern is an odd fit for the Bay Area, but mounting a challenge has proved daunting.



Kyle C. Barry Feb 14, 2019

When Barbara Doss went to claim her son's body last June, his face was covered in bruises. "The left side of his skull was busted open," she said, with "staples holding it together." He had multiple abrasions on his lips and dark bruises on his cheeks.

Her son, Dajuan Armstrong, died soon after reporting to serve the weekend at Santa Rita Jail in Dublin, California. More than seven months later, Doss still did not know how her son died, who was at fault, or who, if anyone, would be held accountable. So in January she traveled from Oakland to Sacramento to confront Alameda County Sheriff Greg Ahern, whose office runs Santa Rita, and who was due in the state capital to preside over a lottery commission meeting.

"I don't have any answers. I need answers," she pleaded. "I need to ease my mind."

Her voice was assured but uneven as she fought back tears. "My son was 23 years old," she told Ahern. "He left behind a whole family and friends. Not just his mother. Everybody. He has children, understand me?"



Barbara Doss confronting Sheriff Ahern

Armstrong's death was not an isolated incident in Alameda County. Three days after he died, another man died while alone in his maximum security cell. According to the sheriff's office's own data, 80 people have died in Ahern's custody since he took office in 2007, a number that includes 18 suicides and 14 deaths ruled accidental. Most of the deaths were natural, Ahern pointed out, and there have been fewer in recent years. Yet between 2015 and 2018, Alameda County paid \$4.6 million to resolve lawsuits arising out of five in-custody deaths.

Doss demanded her son's personal belongings and his autopsy report. She also asked to see body camera footage that, according to officials, shows Armstrong acting "agitated, aggressive, and uncooperative" and saying he was under the influence of cocaine, marijuana, alcohol, and prescription pills, before he was restrained and fell to the ground and stopped breathing. She wanted to know if the deputies involved were still on the job.

Ahern confirmed that the deputies were still working but said no other information could be released, citing an ongoing investigation by the district attorney. (A spokesperson for the sheriff's office declined to comment further, but told The Appeal that more information would be shared when the investigation is complete.)

Before Ahern walked away, Doss asked him a different question, one that more and more people in Alameda County have been asking about the sheriff, who was recently elected to his fourth term: "Why are you the only person on the ballot?" she asked. "That's what I want to know."

A 'cop's cop'

Greg Ahern joined the Alameda County sheriff's office in 1980, climbing the ranks until 2006 when his predecessor, Sheriff Charlie Plummer, announced his retirement and anointed Ahern to run the office. "Quite frankly, I don't care who would run against Greg Ahern, because they'd lose," Plummer said at the time. For the last 12 years, Ahern has overseen a sprawling county agency that today has a \$444 million budget and 1,000 sworn peace officers providing court security, patrolling the county's unincorporated areas, and operating the county's two jails, including Santa Rita, the fifth-largest jail in the country.

Square-jawed and gruff voiced, Ahern is the stereotypical no-nonsense American lawman—a "cop's cop," as the president of the county Deputy Sheriffs' Association said after Ahern's first election—with a record of conservative policies and aggressive law enforcement. He has been a leader of the California State Sheriffs' Association (CSSA), a powerful lobby that has opposed criminal justice reform and legal protections for undocumented immigrants. Ahern served as CSSA president in 2013 and has been chairperson of the CSSA Political Action Committee since 2010. In 2016, Ahern endorsed then-Senator Jeff Sessions to be U.S. attorney general, fueling sentiment among local activists that he is anti-immigrant and complicit in the Trump administration's agenda to deport more people from county jails.

Ahern seems an odd fit for a diverse and deep-blue county that's home to progressive strongholds like Berkeley and Oakland. County voters not only tend to elect Democratic candidates by enormous margins (Hillary Clinton won 78 percent of the

convictions. The CSSA, on the other hand, opposed them both.

Through four election cycles, there has never been a single candidate willing to challenge Ahern at the polls.

This disconnect has not gone unnoticed. Reverend Michael McBride, who advocates for criminal justice reform in Alameda County as director of the Live Free Campaign, describes Ahern as a “respectable version of Joe Arpaio from Arizona,” the longtime Maricopa County sheriff infamous for rampant racial profiling and prisoner abuse. McBride said it’s “an indictment of the electorate of this region who claim to hate Donald Trump and his policies but will hire a sheriff who will work with him and Jeff Sessions to operate the deportation machine of this country. The contradictions of this region are too hard to fathom.”

McBride is among a coterie of local advocates, organizers, and community leaders who consistently target Ahern with their advocacy efforts. They see Ahern as a rogue actor who evades meaningful accountability, both from voters and from other government officials, especially the Alameda County Board of Supervisors. They have pushed Ahern with protests, demonstrations, and campaigns. They have organized town halls and made demands at public meetings. They have held vigils for those, like Dajuan Armstrong, who went to jail and did not make it home alive.

But through four election cycles, there has never been a single candidate willing to challenge Ahern at the polls. In 2018, Ahern ran unopposed and won another four-year term with 95.8 percent of the vote.

Dozens of lawsuits

Complaints against Ahern and his office run the gamut of law enforcement misconduct: prisoner abuse, excessive force, inadequate medical care, squalid jail conditions, anti-immigrant practices, and a still-unfolding scandal in which one deputy was caught on video admitting that he illegally recorded conversations between detained youths and their lawyers. Between 2015 and 2018, 41 civil rights lawsuits against the office cost Alameda County \$15.5 million in settlements and judgments—the highest amount incurred by any Bay Area law enforcement agency during that time, according to the East Bay Express.

Allegations in some recent lawsuits depict a jail system that punishes rather than treats prisoners who need medical care. Mentally ill prisoners who say they were denied treatment and locked in isolation cells. A prisoner tased and beaten to death while suffering alcohol withdrawal. Women reportedly pressured to get abortions, and one woman forced to give birth on the cold concrete floor of an isolation cell in Santa Rita. (A sheriff’s spokesperson acknowledged at a press conference: “That incident actually did happen.”)

In 2015, 24-year-old Mario Martinez died in Santa Rita during an asthma attack. Martinez had secured two court orders to treat nasal polyps that obstructed his breathing, followed by orders to show cause why the treatment was not provided. A local television station’s investigation into his death revealed that the county’s private correctional healthcare provider at the time, Corizon Health, had secured three no-bid renewals of its county contract while also donating \$110,000 to Ahern’s campaign. The board of supervisors approved the no-bid renewals at Sheriff Ahern’s written request. In an email, Ahern told The Appeal that “the contributions from Corizon were for a golf tournament that was for charity and not a conflict of interest.”

Asked about the allegations of abuse and neglect, Ahern denied that jail conditions in Alameda County are inadequate or that jailhouse deaths are taken lightly. He specifically disputed reports that mentally ill prisoners were denied treatment and said in the email, “We have never pressured inmates to get an abortion.” Regarding the woman who gave birth in her cell, Ahern said he couldn’t comment but that his office had denied any wrongdoing. He emphasized that his inmate population consists of “high risk” individuals “that have serious medical issues and problems with substance abuse when they come into our custody.”

In the past, however, he has disparaged and questioned the motives of prisoners who filed lawsuits: “You mean the people who are in custody for murder, rape, and robbery,” Ahern said in November 2018, “and who have lied their entire lives? We deal with people who don’t always tell the truth. That’s why this is called jail. ... People are trying to get financial gain on things we don’t think are true.”

More than any other issue, though, Ahern's record on immigrant rights has incited opposition. Ahern "has continually opposed protections for undocumented immigrants," said Yadira Sanchez, an organizer with the California Immigrant Youth Justice Alliance. She blames him for what she calls the "criminalization of undocumented immigrants in Alameda County."

In 2008, Ahern's campaign donated \$1,000 to support Proposition 6, a California ballot initiative that would have, among other things, prohibited releasing undocumented immigrants on bail or their own recognizance before trial if they were charged with a violent offense. Seventy-three percent of Alameda County voters rejected the failed measure.

Ahern and the CSSA have also fought state sanctuary laws that prohibit local law enforcement from cooperating with federal immigration officials. For years, including while Ahern served as president, the CSSA helped block the California Trust Act before it was ultimately signed in late 2013. That law prohibits sheriffs from detaining undocumented immigrants at ICE's request.

“
We have a rich history in Oakland of championing civil and human rights, but we have a sheriff's department that's not consistent with that, who dismisses people's humanity.

— Jose Bernal, Ella Baker Center for Human Rights

The CSSA also opposed Senate Bill 54, legislation signed in 2017 that bars jail officials from providing ICE with information about a person's release date. Before SB 54, Ahern's policy was to provide release-date information to ICE on demand and allow deputies to share such information even when it was not specifically requested. In November 2017, Attorney General Jeff Sessions announced a \$1 million grant to Ahern's office under a federal program that prioritizes law enforcement agencies that cooperate with ICE.

In the last year, immigrant rights advocates have accused Ahern of creating a "loophole" in SB 54 with a new policy to publish the release dates of all prisoners on the office's "inmate locator" website while allowing ICE to execute arrests in non-public parts of the jail. Sanchez said last year that this policy is "further indication that Sheriff Ahern and his department are continuing to side with the Trump administration ... and seizing the moment to collaborate with ICE."

Ahern has said the new policy is for the sake of transparency and unrelated to immigration enforcement. "The Alameda County Sheriff's Office does no immigration enforcement," he told The Appeal. "We follow state laws that pertain to undocumented individuals" and "we have an SB 54 compliance review that closely monitors any and all contact with ICE to make sure we are following the law and are protecting the rights of those in our custody."

The search for a challenger

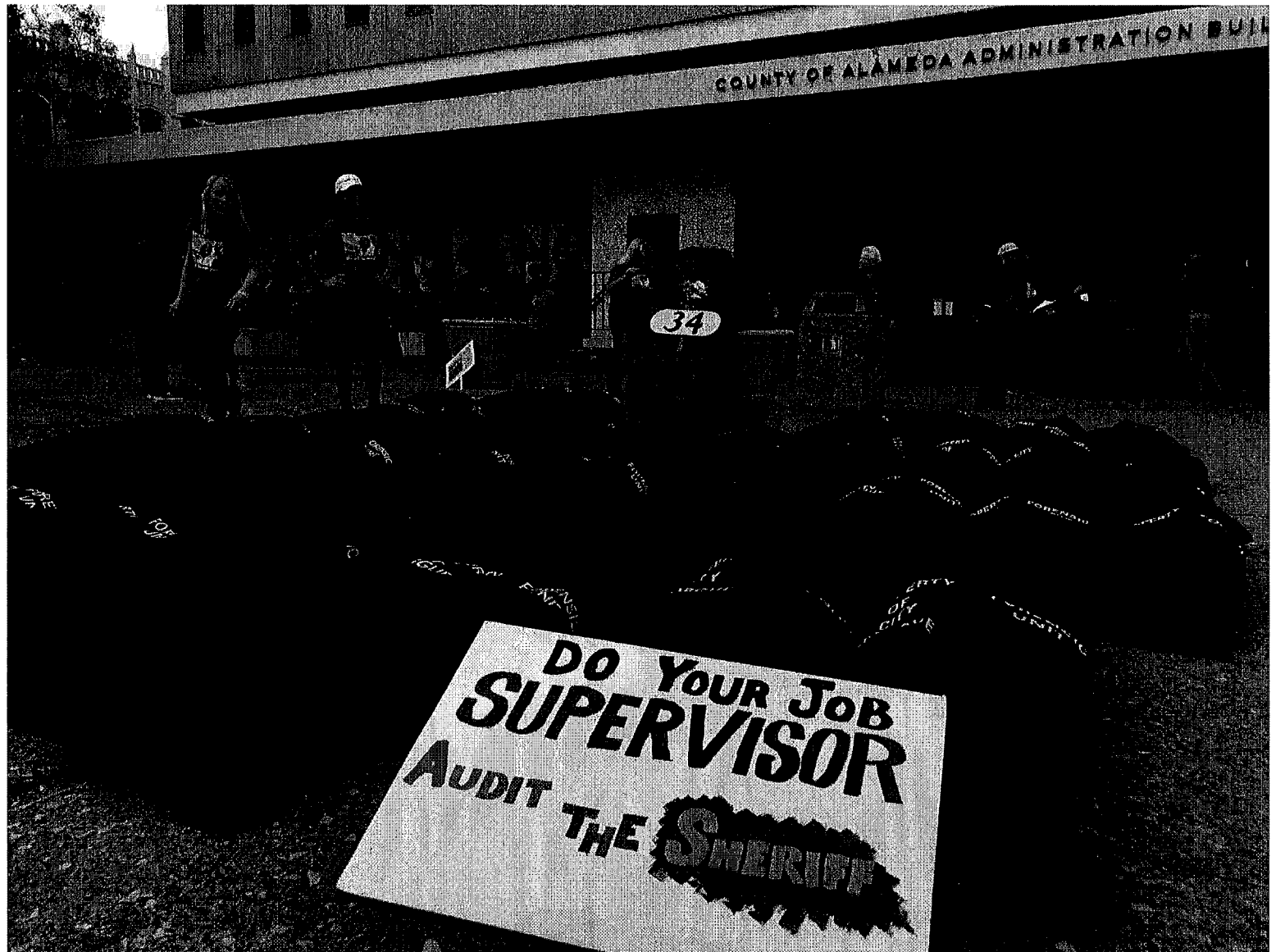
In 2017, frustrations over these and other issues sparked parallel efforts to force change on the sheriff's office. One, a very public, ongoing campaign to audit the sheriff's growing budget; the other, a behind-the-scenes endeavor to remove Ahern from office altogether.

In November 2017, the Ella Baker Center for Human Rights and the Justice Reinvestment Coalition of Alameda County launched the #AuditAhern campaign, asking the county board of supervisors to perform a complete financial and performance audit of the sheriff's budget and practices. The group questions why the sheriff's budget has increased by \$146 million over the last 10 years despite significant drops in jail population, and fault the board of supervisors for a lack of oversight.

"We have a rich history in Oakland of championing civil and human rights, but we have a sheriff's department that's not consistent with that, who dismisses people's humanity," said Jose Bernal, a senior organizer and advocate at the Ella Baker Center. Bernal says the audit is the first step toward reinvesting dollars currently controlled by Ahern into the community.

is not accessible to undocumented communities and is so badly needed,” she said. “If we could use [Ahern’s] millions for community alternatives to policing and incarceration, that would alleviate a lot of daily struggles that undocumented people see.”

Sheriff Ahern told The Appeal that there are several reasons for the increased budget, including increased staffing and compensation, rising “costs of doing business,” and more prisoners who need “special handling.”



In October, activists marched with 34 body bags, one for each in-custody death in the last five years, from the county’s Glenn Dyer jail to the county administration building.

Courtesy of the Ella Baker Center

Bernal and others have kept sustained pressure on the board, writing op-eds like one this reporter helped research, organizing public comments at board of supervisor meetings, and staging high-profile actions, like marching with 34 body bags, one for each in-custody death in the last five years, from the county’s Glenn Dyer jail to the county administration building. But while the Berkeley City Council supports calls to audit Sheriff Ahern, the county board of supervisors has yet to agree.

“Right now there is a lack of political will on the part of the supervisors,” Bernal said. (County supervisors either declined or did not respond to multiple requests for comment.)

By the time #AuditAhern became a unifying hashtag among county progressives, the most serious effort yet to recruit an election challenger was well underway for the June 2018 primary.

In early 2017, Nayeli Maxson had just been elected political director of the East Bay Young Democrats, and sanctuary policies for Bay Area cities was a frequent topic at policy meetings. “One piece that kept coming up is, well, Ahern isn’t the type of leader that you expect to or want to see in this progressive stronghold,” Maxson recalled. “A number of us kept asking, why? Why is he still here and why does he keep running unopposed?”

advocates who have been on Ahern's heels for years. With a Facebook page and an email listserv, the Alameda County Coalition for a New Sheriff in Town was born. A research committee figured out the legal requirements to run, and the group started to build a list of names. Rev. Damita Davis-Howard of Oakland Rising Action called it "the first real effort that actually got beyond folks talking philosophically about seeking other candidates."

But the group quickly hit snags. The first was California's eligibility law. Sheriff candidates must have either an advanced certificate from the state's Commission on Peace Officer Standards and Training, or a certain combination of education and law enforcement experience. The law, enacted in 1988, was devised by a subcommittee of the California State Sheriffs' Association. Before then, the only requirement was that a candidate be registered to vote in the county.

This eligibility requirement, the coalition found, creates two barriers to a more progressive sheriff. Most obviously, candidates must come from a traditionally conservative field that many communities seeking reform have grown to distrust. "How can we find candidates that reflect our values?" Rev. McBride said. "Even though we're considered progressive, the pool of potential candidates shrinks considerably because the position is understood as tough on crime, anti-Black, and designed to keep the system intact and not to be transformative."

It also means that potential candidates are vulnerable to retribution from law enforcement leaders, jeopardizing their professional futures. "People would say, 'I want to have a career ahead of me,'" Maxson said of promising candidates who declined.

In all, Maxson's group identified about 10 eligible candidates. Most quickly said no. But one in particular, Sheryl Boykins, an African American woman who was then chief of a local university police force, expressed interest. After four or five meetings, she gave Maxson permission to start circulating her name as a potential candidate. "Oh, my God, we actually have a candidate and she's amazing," Maxson thought.

But the would-be campaign ended before it started. Before the filing deadline, Boykins declined to embark on an expensive countywide campaign against the entrenched, well-connected incumbent. (In January 2018, Ahern's campaign reported over \$245,000 cash on hand.) She retired instead, according to the university. Boykins declined to answer questions about her decision.



If you want to defeat an incumbent sheriff in 2022, the work needs to start now.

— **Nicole Boucher**, California Donor Table

Nicole Boucher is co-executive director of the California Donor Table, a community of political donors who invest in electing people who represent the values and needs of communities of color. She pointed to structural reforms needed to run a serious challenger campaign in California, in particular investing earlier in local field operations too often neglected in favor of advertising. Right now, she said, "you're asking people to put their careers on the line for something that we might not have the infrastructure to support them to be successful."

McBride agreed. "Anyone who put their hat in the ring would be doing it on their own and depending on their own networks. It becomes such a heavy cross and that has become the challenge for us."

"If you want to defeat an incumbent sheriff in 2022," Boucher said, "the work needs to start now."

Looking ahead

Dujuan Armstrong was sentenced to serve nine weekends at Santa Rita. He did not survive the third and advocates want to know why.

His death has become a rallying point for the Ella Baker Center's campaign to audit Ahern, encapsulating what activists see as the disregard for human life and lack of transparency that have defined Ahern's tenure as sheriff and the board of supervisors' reluctance to take action.

national trend to elect more progressive sheriffs, or at least break the county tradition of uncontested races. "We are going to be intentional in the next four years to identify someone who is interested in running against him," she said. "In Alameda County, people think once they're elected it's a lifetime appointment."

For Bernal, the Ella Baker Center organizer, change is overdue. "There's a long history in this country of the local sheriff who suppresses civil rights, from Bull Connor to Joe Arpaio to Sheriff Ahern. And if we can't hold the sheriff accountable here, in Oakland, in progressive Alameda County..." His voice trailed off, exasperated.

Kyle C. Barry is senior legal counsel for The Justice Collaborative. ■

[INCARCERATION](#)

[ALAMEDA COUNTY](#)

[CALIFORNIA DONOR TABLE](#)

[CALIFORNIA STATE SHERIFFS' ASSOCIATION](#)

[DEPORTATIONS](#)

[DUJUAN ARMSTRONG](#)

[ELLA BAKER CENTER FOR HUMAN RIGHTS](#)

[GLENN DYER DETENTION CENTER](#)

[ICE](#)

[IMMIGRATION](#)

[JAIL DEATHS](#)

[OAKLAND](#)

[PROP 6](#)

[SANTA RITA](#)

[SANTA RITA JAIL](#)

[SHERIFF GREG AHERN](#)

More in Incarceration



'I CAN'T AFFORD IT AND I NEVER WILL BE ABLE TO'

[Kira Lerner](#) May 01, 2019



'THEY SENT HIM TO HIS CELL TO DIE'

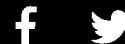
[Aaron Morrison](#)



TRANS WOMAN JAILED AND HARASSED BECAUSE SHE DIDN'T PAY A \$15 SEATBELT FINE, LAWSUIT SAYS

[Raven Rakia](#) Apr 30, 2019

THE APPEAL



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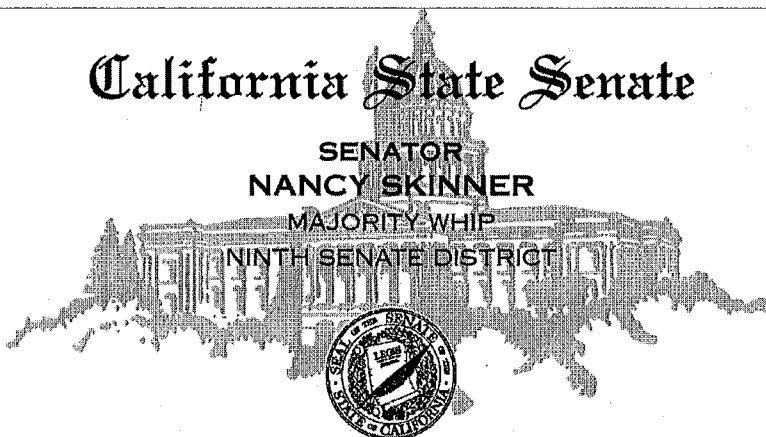
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California State Senate

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NANCY SKINNER

MAJORITY WHIP

NINTH SENATE DISTRICT



CHAIR
PUBLIC SAFETY
BUDGET & FISCAL REVIEW
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PUBLIC SAFETY & LABOR

COMMITTEES
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ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING

Feb. 15, 2019

Board President Richard Valle
Alameda County Board of Supervisors
County of Alameda Administration Building
1221 Oak Street #536
Oakland, CA 94612

Dear Board President Richard Valle and Honorable Board of Supervisors,

Over the last decade, California has stood out as a progressive leader in criminal justice reform. With legislative work still on the horizon, Californians have already approved major initiatives that have drastically reduced incarcerated populations across our state prisons and county jails. Such significant reforms include the passage of both Propositions 47 and 57. These types of reforms have not only sought to reduce jail populations, but also to enhance transparency and accountability, as well as to build trust and promote community safety by providing counties with valuable taxpayer savings that can be reinvested into crucial rehabilitative programs and resources.

I write now because I'm concerned about troubling reports that have emerged surrounding the Alameda County Sheriff's Office (ACSO). These concerns range from allegations of abuse to an expanding ACSO budget. Alameda County residents deserve full transparency and accountability, and I fully support community members in their request for an independent financial and performance audit of the ACSO. I respectfully urge you to do so as well.

The Alameda County jail population has decreased significantly in recent years, yet Sheriff Gregory Ahern's budget has grown by \$144 million in the past decade, reaching a cumulative amount of \$443 million this year¹. In its fiscal oversight role, the Alameda County Board of Supervisors has an important

¹ County of Alameda FINAL BUDGET 2018-2019
<http://acgov.org/MS/OpenBudget/pdf/FY18-19/FY%202018-19%20Final%20Budget%20Book-Web%20Version-Final.pdf>

responsibility to ensure that the ASCO is spending public funds wisely, particularly in the wake of several in-custody deaths and costly lawsuits², along with allegations of abuse and mistreatment of women.

In the last five years, ASCO has experienced 33 in-custody deaths³. In June, two in-custody deaths occurred in Santa Rita Jail within the span of just three days, including one mentally ill inmate who died from drinking too much water.

In addition, there was the tragic death of Jessica St. Louis, a 26-year-old mother who was found dead at a BART station. She died just hours after being released late at night from Santa Rita Jail. In response to the systematic failures that lead to Jessica's death, I worked closely with community members to introduce legislation to end late-night release for women across the state.

Since 2014, 29 women have come forward with civil suits against ACSO, alleging abuse and mistreatment. This includes a pregnant mother who was forced to give birth alone in a dirty cell while guards ignored her screams⁴. We can no longer excuse such conduct as an isolated incident. A strong performance audit will generate crucial evaluative data that can thoroughly assess all current practices and policies while provide lifesaving recommendations for implementation. I am committed to supporting you in implementing this very important initiative.

Sincerely,



Nancy Skinner
Senator, 9th Senate District

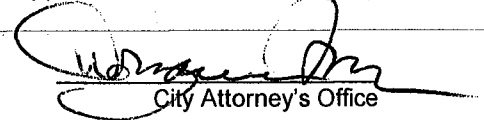
² Morris, Scott. "Alameda County Leads Region in Civil Rights Payouts" East Bay Express. July 11, 2018. <https://www.eastbayexpress.com/oakland/alameda-county-leads-region-in-civil-rights-payouts/Content?oid=17991968>

³ Bernal, Jose. "Opinion: Audit Actions of Alameda County Sheriff's Office". The Mercury News. January 15, 2019. <https://www.mercurynews.com/2019/01/15/opinion-audit-actions-of-alameda-county-sheriffs-office/>

⁴ Fernandez, Lisa & Nguyen, Candice. "Woman sue Santa Rita over humiliating treatment; sheriff says facility is 'best big jail in nation'" Fox KTVU News. November 14th, 2018. <http://www.ktvu.com/news/women-sue-alameda-county-jail-over-humiliating-treatment-sheriff-says-facility-is-best-in-nation>

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NIKKI FORTUNATO BAS, COUNCIL
PRESIDENT PRO TEM DAN KALB AND MAYOR LIBBY SCHAAF

RESOLUTION SUPPORTING COMMUNITY REQUESTS FOR AN INDEPENDENT AUDIT OF THE ALAMEDA COUNTY SHERIFF'S OFFICE IN THE INTERESTS OF TRANSPARENCY AND ACCOUNTABILITY

WHEREAS, on November 22, 2017, Oakland residents and community groups requested that the Alameda County Board of Supervisors authorize an independent performance and financial audit of the Alameda County Sheriff's Office in the interest of transparency and accountability; and

WHEREAS, community groups have called attention to the \$144 million increase in the Alameda County Sheriff's budget over the past 10 years while the Alameda County jail population decreased significantly; and

WHEREAS, according to The East Bay Express, in the last five years, there have been 33 in custody deaths in the jurisdiction of the Alameda County Sheriff's Office; and

WHEREAS, in June 2018, within the span of three days, two in custody deaths occurred at the Santa Rita jail, including one mentally ill prisoner who died from drinking too much water; and

WHEREAS, on June 25, 2018, a 23-year old Oakland resident and father serving weekends at Santa Rita Jail died under still unknown circumstances; and

WHEREAS, on July 28, 2018, hours after being released late at night from Santa Rita Jail, a 26-year old mother was found dead at the Dublin BART station; and

WHEREAS, according to KTVU News, since 2014, there have been 29 women who have alleged abuse and mistreatment against the Alameda County Sheriff's Office, including allegations of inhumane mistreatment, sleep deprivation and forced abortion; and

WHEREAS, community members have also condemned the Alameda County Sheriff's decision to accept grant money from the federal office of Immigrations, Customs and Enforcement (ICE); and

WHEREAS, the Alameda County Sheriff intentionally circumvents the California Values Act, Senate Bill 54 (2017) and the City of Oakland's Sanctuary City Ordinance by making the release dates of undocumented immigrants public, resulting in ICE harassment and further endangering immigrant communities; and

WHEREAS, there are reports from the East Bay Express of the Alameda County Sheriff facilitating detentions for ICE, leading to severe consequences for immigrant communities; and

WHEREAS, City of Oakland residents would benefit from the increased transparency and accountability resulting from an independent audit of the Alameda County Sheriff's Office, and potential cost savings could be redirected towards education, housing, behavioral health and other critical priorities; now, therefore, be it

RESOLVED: That the City of Oakland hereby supports the community's demand for the Alameda County Board of Supervisors to allocate funding in the fiscal year 2019-2020 for an independent performance and financial audit of the Alameda County Sheriff's Office Budget; and be it

FURTHER RESOLVED: That in the interest of transparency and accountability, the City of Oakland supports a collaborative audit process in which Oakland residents, community groups and Alameda County officials will work together on an audit scope of work that is in the best of interest of the people; and be it

FURTHER RESOLVED: That that copies of the Resolution be sent to members of the Alameda County Board of Supervisors as well as the Alameda County Sheriff's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California