

FRIDAY, February 7, 2025

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Judges decry security lapses

Questions training of recent trainees

BY AMELIA BISCARDI
Daily Post Staff Writer

San Mateo County courthouses have seen a man charged with murder wandering the halls in plain clothing without shackles, a sexual assault of a female inmate and jurors complaining about distracted bailiffs, two judges said in an email to Sheriff Christina Corpus.

Judges Stephanie Garratt and Elizabeth Lee said in an email to Corpus that they had seen "frequent lapses in security protocol" by deputies who transport inmates from the jail to the courthouses over the last year.

The judges sent the email to Corpus on Dec. 13 that the Post obtained through a California Public Records Act Request through San Mateo County. The sheriff's office provides bailiffs for

[See COURT, page 34]



SAN MATEO COUNTY COURTHOUSE. County photo.

Jail sex assault details in emails

BY AMELIA BISCARDI
Daily Post Staff Writer

An email from two San Mateo County Superior Court judges to Sheriff Christina Corpus reveals more information about an alleged sex assault between a male and female inmate while they were being transported between the jail and Redwood City Courthouse.

Judges Elizabeth Lee and Stephanie Garratt said the deputy who was transporting the inmates between the Maguire Jail and the courthouse on Dec. 2 had shackled the male and female together and then put them in an elevator, where he "inexplicably" turned his back to the inmates. The emails from Judges Steph-

[See DETAILS, page 34]

THE UPDATE

Dow -125.65 Nasdaq +99.66 Oil -0.01
44,747.63 19,791.99 70.60

Gold 2,886.50 +9.80 NY COMEX futures
courtesy of Mish Int'l (650) 324-9110

RESIGNATIONS BLOCKED:

A federal judge has blocked President Trump's plan to push out federal employees by offering them financial incentives. The decision yesterday came hours before the midnight deadline for workers to apply for the program.

OUTDATED AIR CONTROL?:

President Trump says he thinks last week's deadly collision between a passenger jet and Army helicopter wouldn't have happened if the U.S. had a more modern air traffic control computer system. Trump said yesterday that "a lot of mistakes happened" on Jan. 29 when an American Airlines jet collided with

[See THE UPDATE, page 4]

Firefighters criticize city plan

BY BRADEN CARTWRIGHT
Daily Post Staff Writer

Palo Alto firefighters are pushing back on the city's plan to return a fire engine to the station at Mitchell Park, where neighbors are afraid that slow responses will lead to disaster.

Joseph Penko, president of the local firefighter's union, said the city's proposal would assign the same three

To bring engine back

firefighters to both an engine and an ambulance.

"This would leave either the fire engine or ambulance unavailable whenever a call comes in," Penko said yesterday. "This model has already failed in the past and puts residents at risk."

Penko wants residents to ask Palo

Alto City Council to man the engine with overtime shifts until nine new firefighters join the department.

That would allow the ambulance and fire engine to go out at the same time.

"Palo Alto firefighters are ready to serve and protect our community — if the city gives us the resources to

[See FIREFIGHTERS, page 34]

Man attacked in jail didn't fight back

BY BRADEN CARTWRIGHT
Daily Post Staff Writer

Over 11 minutes, two inmates in the Elmwood Jail beat, kicked and stomped a man who had been arrested in Mountain View and wasn't fighting back, according to a murder investigation.

A third inmate watched and kept others away as the two inmates pulled the man into the shower, out of the view of cameras so only shouting and loud banging could be heard, police said.

A deputy found Oscar Umul Xicay, 23, of Mountain View, on the ground

18 minutes after the attack began, Detective David Carroll said in a report that was used to charge three suspects with murder and torture yesterday.

The suspects are Jose Rufino, 18, of San Jose; Jordan Haase, 38, of San Jose; [See ATTACKED, page 6]

Real estate ad for Nicole Aron and James Steele, 543 Hilbar Lane Palo Alto. Includes photo of a house.

Real estate ad for Brian Chancellor, 459 Homer Ave #7 Palo Alto. Includes photo of a house.

Real estate ad for Jan Strohecker, 4103 Old Trace Road Palo Alto. Includes photo of a house.

Real estate ad for Susan Sims, 25611 Vinedo Lane Los Altos Hills. Includes photo of a house.

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Real estate ad for Erika Demma, 643 Woodside Way Woodside. Includes photo of a house.

COURT

the courtrooms and deputies to transport inmates between the jail and courtrooms.

"The continued shortage of transportation deputies who are available to staff this critical unit and who are adequately trained in safety protocols continues to plague the unit. This is an inherent problem that appears to be getting worse rather than better. To say we are concerned is an understatement," the judge's email said.



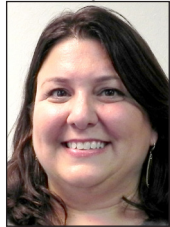
CORPUS

"The sheriff's office will not compromise on the quality of hires and the level of services we provide to our communities," sheriff's spokeswoman Gretchen Spiker said yesterday when asked to comment on the multiple incidents the judges brought up.

Murder suspect unshackled

The judges highlighted five incidents in their email to Corpus, including when a murder suspect was allowed to wander the back hall where judges and court employees have offices. The suspect was not shackled and was in everyday clothes, Lee and Garratt said.

The judges said court employees could have easily mistaken him for an attorney or member of the public. "It is absolutely unacceptable that a defendant, particularly a homicide defendant, is allowed to walk around judges and staff unrestrained," the judges said.



GARRATT

Corpus, in her response to the judges, said she called for an emergency meeting to address their concerns and said she has been working to fill the 100 vacancies she inherited when she became sheriff in January 2023. Corpus said she only had 36 vacancies in December.

Worth the risk?

"Filling positions is great, but if they are being filled with the quality of personnel we've seen recently, then it's not worth the risk," Garratt said.

The judges also brought up concerns about a Dec. 2 alleged sexual assault between a male and female inmate while they were being transported from the jail to the courthouse.

"We never had these problems of this magnitude until this past year," Garratt said. "It appears to be the quality of hires and the lack of training that are causing issues."



LEE

Shortages

Employee shortages in the San Mateo County Sheriff's Office placed the department at a "critical juncture" in which employees' "workload and schedule cannot be safely sustained," a report from Meliorna Public Safety said in June.

The consultant noted that police and sheriff's departments across the U.S. are experiencing staffing shortages. The report also said the San Mateo County Sheriff's Office has been making a "concerted effort" to fill vacancies since 2023.

Members of the deputy's union raised alarm bells on Oct. 9 when they said the sheriff's office was pulling deputies from street patrols to staff the court. Some within the department said they felt their concerns were falling on "deaf ears" and the sheriff's staffing is "dangerously thin."

Deputy fell asleep

Another incident the judges bring up is where a transportation deputy "fell asleep" during a murder hearing and the other deputy, who was in training, was "nodding off." Both these deputies were scolded by another deputy.

"Having a deputy carrying a weapon and taking medicine that makes him fall asleep while transporting a homicide defendant is unbelievable," Garratt said.

Corpus said that two of the deputies involved in the incidents had recently transferred from other local sheriff's offices with court experience.

A manager of court reporters was walking down hallways behind courtrooms and a transportation deputy left a shackled defendant in the hallway unattended for "quite some time," the judges said.

The judges point out that near those hallways are multiple judges chambers and the defendant could have "shuffled into" one of those rooms.

A judge told Lee and Garratt that his jury had complained that the bailiff and deputies in the courtroom during the trial were constantly using their phones and "looking like they were playing games or doing internet searches," they wrote.

San Mateo County Superior Court spokesman Dan Radovich declined to comment when asked about court security.

The release of the emails comes as Corpus and her detractors campaign for Measure A, which is aimed at ousting the sheriff before her term is up in 2028. That's because a report by retired Judge LaDoris Cordell accused Corpus of nepotism, abuse of power, retaliation, intimidation, racism, homophobia and conflicts of interest. Ballots for Measure A are due March 4.

DETAILS

anie Garratt and Elizabeth Lee were acquired through a California Public Records Act Request by the Post filed with San Mateo County.

The judges said the female inmate was allegedly raped twice by the male prisoner behind her.

"It's common sense not to transport male and female prisoners together, have a female in front of a male, and then turn your back on them," Garratt said.

There are security protocols to prevent alleged assaults like this, and the judges say the deputy ignored safety protocols.

The deputy in the incident, the judges said, had transferred to the county from another police agency.

Corpus told the judges that the employee had been fired.

Few details initially

The emails reveal much more than what the public had previously been told about the case. When the Post learned about the incident and asked sheriff's spokeswoman Gretchen Spiker what had happened, she said that an assault had occurred between two inmates on Dec. 2 around 3:30 p.m.

When the Post asked Spiker via email for more information, she told a reporter to ask the District Attorney's Office.

District Attorney Steve Wagstaffe told the Post on Dec. 5 that the assault had occurred between a male inmate and a female inmate. When the DA's office is investigating an incident, they only share details if charges are filed.

On Dec. 10, during a Board of Supervisors meeting, Supervisor Noelia Corzo said she wanted an investigation into the alleged sexual assault. Wagstaffe said the same day that his office was still reviewing video footage and interviewing witnesses.

On Dec. 17, Wagstaffe and his office decided not to file charges. Wagstaffe said this was because there was not enough evidence to prove to a jury beyond a reasonable doubt that the incident was not consensual.

On Dec. 20, Corpus sent out a press release saying the victim was provided with resources and a criminal and internal investigation were both opened once the assault was reported.

FIREFIGHTERS -

do it," Penko said. Chief Geo Blackshire said in an email yesterday that his near-term proposal will add fire protection resources quickly and at a lower cost than the union's proposal.

The department had three fire engines in 2021 that were cross-staffed with ambulances like the city is proposing now for one station, Blackshire said.

Council will review next year's budget on Feb. 24, including any adjustments to the fire department.

Concern after LA fires

After seeing the destruction from the fires in Los Angeles, residents want to prioritize public safety. Many of the homes surrounding the station at Mitchell Park are made of wood, and hundreds of new

apartments are planned around San Antonio Road. An online petition to bring back an engine had 301 signatures yesterday. "Residents feel betrayed at this end of town that our Fire Station 4 has not housed a fire truck for at least two years, leaving us incredibly vulnerable. No notice was given to us, breeding immense distrust," resident CeCi Kettendorf said.

The engine was removed from Mitchell Park in July 2020 as part of pandemic-related budget cuts, Chief Geo Blackshire told council's Finance Committee on Nov. 19.

Engine next year

The station is getting rebuilt, and the goal is to have an engine when it reopens in March 2026, Blackshire said.

"It goes without saying that the community would be better served with a fire engine in every station," Blackshire said.

In the longterm, council will consider adding 10 firefighter positions or creating a new position for 25 paramedics who didn't go through a fire academy.

Adding firefighters would cost \$3.3 million per year, Finance Director Lauren Lai said.

ATTACK

and Pedro Arevalos, 41, of San Mateo. At 11:45 a.m. on Jan. 27, surveillance video showed Umul Xicay walking out of the shower area, into the barracks and down a narrow aisle of bunk beds, police said.

Haase and Arevalos allegedly walked up to Umul Xicay shirtless and blocked him from walking down the aisle, police said.

Rufino joined them, and then Arevalos walked back about 20 steps and watched as Rufino and Haase started to physically struggle with Umul Xicay, police said.

Pulled away from cameras

Umul Xicay tried holding onto a bunk bed while Rufino and Haase pulled him into a shower area without cameras, police said.

Two different inmates tried to join the fight, but Arevalos yelled at them to go away while Rufino and Haase continued "aggressively and repeatedly" punching Umul Xicay, police said.

The fight moved out of the camera's view, and loud banging and shouting were heard on the audio, police said.

At 11:49 a.m., Umul Xicay briefly appeared back in the camera's view until Rufino dragged him back to the showers, police said.

This happened again 30 seconds later, police said.

At 11:51 a.m., Umul Xicay walked back to the row of bunk beds, sat down and wiped blood from his mouth. Rufino and Haase followed an continued punching him in the head, police said.

Umul Xicay then stood with his back against a window. Rufino lifted himself up between two bunk beds and used both feet to kick Umul Xicay's chest, sending Umul Xicay's head back against the window and causing it to shatter, police said.

At 11:55 p.m., Umul Xicay was lying motionless on the floor as Rufino stomped his head and Haase kicked his waist and buttocks, police said.

Didn't fight back

"At no point in the surveillance footage did victim Oscar fight back in any manner against any of the three suspects," Powell wrote in his report.

At 12:03 p.m., a deputy found Umul Xicay unresponsive on the floor and requested medics, police said.

A portion of his skull was removed at the hospital because of brain swelling, police said.

Umul Xicay died on Tuesday.

Sheriff Bob Jonsen said the incident is a "stark reminder" of how important it is to improve safety in the jail.

"Our thoughts and deepest condolences go out to the family and loved ones of the deceased during this incredibly difficult time," Jonsen said in a statement on Tuesday.

Umul Xicay was in custody for allegedly vandalizing a keypad at the Mountain View police headquarters 12 hours earlier, court records show.