

NEVADA COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION



Prison Rape Elimination Act Annual Statistical Report 2016

Prison Rape Elimination Act (PREA) of 2003 Agency Annual Report and Statistics Data 2016

Background

PREA was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison/jail rapes. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community based agencies. The Nevada County Sheriff's Office has adopted a zero tolerance on issues pertaining to sexual abuse and sexual harassment involving staff and inmates and is working continuously to implement new policies, training requirements for staff and inmates, and developing standards for detection, prevention, reduction and punishment of sexual abuse and sexual harassment incidents.

Introduction

Law enforcement agencies across the nation are collecting statistical data related to PREA in order to review, analyze, and decrease the amount of PREA related incidents. The Nevada County Sheriff's Office is committed to reviewing PREA incidents from multiple perspectives including: training, policies, procedures, staffing, facility construction and surveillance technology use with the ultimate goal of identifying problem areas, applying appropriate corrective solutions to make improvements.

Education and Training

In August of 2013, the Nevada County Sheriff's Office (NCSO) implemented PREA standards, providing educational and informational material to inmates and a toll free "hot line" at both Truckee and Wayne Brown Correctional Facilities for all inmates to confidentially report sexual abuse or harassment, as well as seek outside advocacy and counseling from a community organizations not affiliated with the Sheriff's Office.

All "new hire" staff receives comprehensive training on PREA. The staff training consists of reviewing the new Sexual Assault and Abuse Corrections Division Directive and a mandatory 8 hour course on the Prison Rape Elimination Act. Additionally all volunteers conducting inmates programs in the facility receive orientation education on PREA and are given a brochure "A Guide for the Prevention and Reporting of Sexual Abuse and Sexual Misconduct with Offenders/Inmates".

In 2015, educational material informing inmates how to avoid and report sexual assault and harassment was updated in the Inmate Informational Handbook. In addition, posters were placed throughout the common areas in both Truckee and Wayne Brown Facilities. All staff also received mandatory 2 hour refresher training.

In 2016, all administrative and correctional staff watched a 30 minute video provided by the National PREA Resource Center on how to correctly pat search cross gender and transgender inmates. Each correctional officer was also provided a 1st Responder Sexual Abuse card which outlines the steps to take when an inmate is sexually abused.

Additionally all inmates continued to receive material informing them on how to avoid and report sexual assault and harassment. This information was distributed through various formats in both English and Spanish, including an orientation video, posters throughout the housing units and hallways, and in the Inmate Informational Handbook.

Data Collection

The Sheriff and the Undersheriff, in their continuous efforts to improve organizational transparency, are making these statistics available to the public on an annual basis. The first part of this report contains definitions as specified on the Survey of Sexual Victimization required by the United States Department of Justice. The collection of data includes all inmate-on-inmate and staff-on-inmate incidents related to: *nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct and staff sexual harassment*. The Sheriff's Office believes that by providing this information to the public, it will clearly show the amount of cases received annually, the findings of such allegations, and the constant efforts we make to detect, investigate, and prosecute cases accordingly.

The United States Department of Justice identified (2) two categories related to sexual abuse and sexual victimization: inmate-on-inmate sexual victimization and staff-on- inmate sexual abuse. The following paragraphs define both categories in detail.

Inmate on Inmate Sexual Victimization

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

Nonconsensual Sexual Acts

- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and
- Contact between the penis and the vulva or the penis and the anus including penetration, however slightly; or
- Contact between the mouth and the penis, vulva, or anus; or
- Penetration of the anal or genital opening or another person, however slight, by a hand, finger, object, or other instrument.

Abusive Sexual Contact

- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- EXCLUDE incidents in which the contact was incidental to a physical altercation.

Sexual Harassment

Repeated or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Staff on Inmate Sexual Abuse

The survey utilizes the definition of "sexual abuse" by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse. These categories are:

Staff Sexual Misconduct

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include-

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include-

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or
- Repeated profane or obscene language or gestures.

Sexual Abuse Investigation Dispositions are as follows:

a. Substantiated

- The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

b. Unsubstantiated

- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

c. Unfounded

- The investigation determined that the event did NOT occur

d. Investigation ongoing

- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

Data Collected

Wayne Brown Correctional Facility

	Reported	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing	Referred For Prosecution
Inmate-on-Inmate Non Consensual Sexual Acts	1	0	1	0	0	0
Inmate-on-Inmate Abusive Sexual Contact	1	1	0	0	0	1
Inmate- on -Inmate Sexual Harassment	4	1	2	1	0	0
Staff Sexual Misconduct	0	0	0	0	0	0
Staff Sexual Harassment	3	0	1	2	0	0
Totals:	9	2	4	2	0	1

Truckee Jail Facility

	Reported	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing	Referred For Prosecution
Inmate-on-Inmate Non Consensual Sexual Acts	0	0	0	0	0	0
Inmate-on-Inmate Abusive Sexual Contact	0	0	0	0	0	0
Inmate- on- Inmate Sexual Harassment	0	0	0	0	0	0
Staff Sexual Misconduct	0	0	0	0	0	0
Staff Sexual Harassment	0	0	0	0	0	0
Totals:	0	0	0	0	0	0

In 2016, there was 1 report of inmate-on-inmate nonconsensual sexual acts, 1 report of Inmate abusive sexual contact, 4 reports of inmate sexual harassment and 3 reports of staff sexual harassment. All 9 reports were thoroughly investigated. 2 reports were substantiated, 6 reports were

found either unsubstantiated or unfounded and 1 of the 9 reported incidences was referred to the District Attorney’s Office for prosecution. Our staff takes their duty to investigate a report of this type very seriously and has done an excellent job in handling these situations.

Data Comparison from Prior and Current Year

Wayne Brown Correctional Facility

	Inmate-on-Inmate Non Consensual Sexual Acts	Inmate-on-Inmate Abusive Sexual Contact	Inmate- on - Inmate Sexual Harassment	Staff Sexual Misconduct	Staff Sexual Harassment
2014	0	1	5	0	0
2015	0	3	3	0	0
2016	1	1	4	0	3

Truckee Jail Facility

	Inmate-on-Inmate Non Consensual Sexual Acts	Inmate-on-Inmate Abusive Sexual Contact	Inmate- on - Inmate Sexual Harassment	Staff Sexual Misconduct	Staff Sexual Harassment
2014	0	0	0	0	0
2015	0	0	0	0	0
2016	0	0	0	0	0

In reviewing all of the reports since 2014, excluding those determined to be unfounded, inmates are typically victimized by other inmates and these crimes primarily occur in inmate living areas, where the inmates have a certain amount of concealment from staff. In 2016 there were three reports of staff sexual harassment, all of which were determined either unsubstantiated or unfounded after being thoroughly investigated. This increase over prior years may indicate an increased level of sophistication by inmates who have become educated in PREA standards and may now be using these standards as a tool against staff when they disagree with or dislike a staff member. Further and continued PREA education will hopefully reduce the number of incident reports.

The Nevada County Sheriff’s Office conducts hourly checks of all inmates in accordance with the California Title 15- Minimum Standards for Local Detention Facilities section 1027. These checks are documented in the Daily Observation Logs. We are audited by the Board of State and Community Corrections (BSCC) every two years and our most recent audit was in 2016. During the inspection, our Inmate Observation Logs met standards.

Also in August of 2016, both the Wayne Brown Correctional Facility and Truckee Jail Facility were audited by a Certified PREA Auditor. An extensive review of PREA related documentation, including agency policy, was conducted by the auditor prior to his arrival. Once at the facilities the auditor spoke to 15 inmates, 12 random staff and 20 specialized and agency management staffs to ensure inmates and staff alike were aware of their rights and responsibilities under PREA. The auditor also examined the housing units, dayrooms, recreational and inmate work areas. A certification of compliance was awarded to both facilities in October of 2016.