

# NEVADA COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION



## Prison Rape Elimination Act Annual Statistical Report 2019

# Prison Rape Elimination Act (PREA) of 2003 Agency Annual Report and Statistics Data 2019

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## 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 and contracted employees receive comprehensive training on PREA. The staff training consists of reviewing Corrections Division # 69: Sexual Misconduct and Abuse (PREA) policy and a mandatory 8-hour course on the Prison Rape Elimination Act. In addition, all staff and contracted employees receive mandatory 2-hour PREA refresher training biannually and sexual harassment training annually.

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".

During intake, inmates are given verbal and written education on our "Zero Tolerance" policy and how to avoid and report sexual assault and harassment and resources they have available while incarcerated in Wayne Brown Correctional Facility. Information regarding PREA is also 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 2019**

**Wayne Brown Correctional Facility**

	Reported	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing	Referred For Prosecution	Referred to Other Confinement Facility
Inmate-on-Inmate Non-Consensual Sexual Acts	2	0	1	1	0	0	0
Inmate-on-Inmate Abusive Sexual Contact	1	0	1	0	0	0	0
Inmate -on-Inmate Sexual Harassment	6	1	4	1	0	0	0
Staff Sexual Misconduct	2	0	1	1	0	0	0
Staff Sexual Harassment	2	0	1	1	0	0	0
<b>Totals:</b>	<b>13</b>	<b>1</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Truckee Jail Facility**

	Reported	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing	Referred For Prosecution	Referred to Other Confinement Facility
Inmate-on-Inmate Non-Consensual Sexual Acts	0	0	0	0	0	0	0
Inmate-on-Inmate Abusive Sexual Contact	0	0	0	0	0	0	0
Inmate -on-Inmate Sexual Harassment	0	0	0	0	0	0	0
Staff Sexual Misconduct	0	0	0	0	0	0	0
Staff Sexual Harassment	0	0	0	0	0	0	0
<b>Totals:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**\*\*Please note that one investigation may include several allegations\*\***

In 2019, there were two reports of inmate-on-inmate nonconsensual sexual acts, one report of Inmate abusive sexual contact, six reports of inmate sexual harassment, two reports of staff sexual misconduct and two reports of staff sexual harassment. All thirteen reports were thoroughly investigated. One report was substantiated, twelve reports were found either unsubstantiated or unfounded.

### Data Comparison from Prior Years 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
2017	7	2	13	6	4
2018	0	3	12	5	2
2019	2	1	6	2	2

#### 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
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	0	0	0	0	0

### Corrective Actions in Addressing Sexual Abuse and Sexual Harassment

- Continued PREA training for all staff.
- Continued an ongoing review of operational practices to improve sexual safety.
- Continued PREA education for all inmates

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; however, there has been a slight increase of reports generated from common areas. Investigation and review of all reported incidents has also revealed a trend of inmates making false allegations in an attempt to manipulate their assigned housing or to remove “undesirable” inmates from housing units/dorms. In 2019 we have seen a decrease in PREA related incidents or complaints.

In 2019, there were two reports of staff sexual misconduct and two reports of staff sexual harassment, all of which were determined either unsubstantiated or unfounded after being thoroughly investigated. The increased level of sophistication by inmates who have become educated in PREA standards may now be using these standards as a tool against staff when they disagree with or dislike a staff member. Regardless, staff continues to take reports of this nature seriously and fully investigates these incidents in a professional manner.

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. During the last inspection, our Inmate Observation Logs met standards.

In November 2018, 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, housing units, dayrooms, recreational and inmate work areas was conducted by the auditor. Suggestions made by the auditor and corrective actions implemented, included:

- Adding a mirror in an identified blind spot in the Truckee Facility
- Minor verbiage changes and additions to both Corrections and Contracted Medical existing policies.
- Updating the MOU with an outside PREA reporting agency
- Submitting training rosters and signed PREA acknowledgement forms for medical/mental health staff, contractors and volunteers.
- Updating the phone system to allow inmates to contact outside hotline PREA agencies without having to input a pin number.
- Additional training for the Major Crimes Unit on sexual abuse investigations in a confinement setting.
- Making sure sexual abuse investigations are conducted "promptly".

The final report was issued in May 2019 and compliance was awarded to WBCF and Truckee Facilities.

The Nevada County Sheriff's Office will continue to make appropriate changes where necessary to ensure inmates are safe and secure, while maintaining a zero-tolerance culture for all forms of sexual abuse and sexual harassment. In addition, our staff takes their duty to investigate PREA allegations very seriously and has done an excellent job in handling these situations.