

NEVADA COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION



Prison Rape Elimination Act Annual Statistical Report 2021

Prison Rape Elimination Act (PREA) of 2003 Agency Annual Report and Statistics Data 2021

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 the Prison Rape Elimination Act 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 inmate 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 (SSV) 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 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.

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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 2021

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	0	0	0	0	0	0	0
Inmate-on-Inmate Abusive Sexual Contact	1	1	0	0	0	0	0
Inmate-on-Inmate Sexual Harassment	6	0	4	2	0	0	0
Staff Sexual Misconduct	3	1	0	2	0	0	0
Staff Sexual Harassment	2	1	0	1	0	0	0
Totals:	12	3	4	5	0	0	0

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
Totals:	0	0	0	0	0	0	0

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

In 2021, there was zero reports of inmate-on-inmate nonconsensual sexual acts, one report of Inmate abusive sexual contact, six reports of inmate sexual harassment, three reports of staff sexual misconduct and two reports of staff sexual harassment. All twelve reports were thoroughly investigated. Three reports were substantiated, nine of the reports were found either unsubstantiated or unfounded. None of the reports were referred to another confinement facility during this time period.

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
2017	7	2	13	6	4
2018	0	3	12	5	2
2019	2	1	6	2	2
2020	1	4	13	4	1
2021	0	1	6	3	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
2020	0	0	0	0	0
2021	0	0	0	0	0

Corrective Actions in Addressing Sexual Abuse and Sexual Harassment

- Continued PREA training for all staff, contractors, and volunteers
- Continued an ongoing review of operational practices to improve sexual safety
- Continued PREA education for all inmates
- Added more cameras to the housing areas and common areas to prevent “blind-spots”.
- Monitoring staff and inmates for retaliation
- Updating policies

In reviewing all 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. 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 comparison to 2020, we saw a significant decrease in PREA-related incidents or complaints of inmate-on-inmate harassment in 2021. Four were unsubstantiated and two were unfounded.

In 2021, there were two reports of staff sexual misconduct and two reports of staff sexual harassment. Of these, three were determined to be either unsubstantiated or unfounded after being thoroughly investigated, and one was substantiated. In addition, an Internal Administrative Investigation was concluded in August of 2021, substantiating one report of staff sexual misconduct.

In 2020, the Wayne Brown Correctional Facility completed a security upgrade. This upgrade included more cameras in the housing areas and throughout the facility for better viewing of dayrooms, living areas, kitchen, program rooms, and hallways. It also allows for more cameras to be recorded for viewing at a later time for PREA complaints.

Continuing PREA education in both English and Spanish can now also be accessed by inmates through electronic means using the tablets provided in each housing area. PREA information and educational materials are also routinely displayed on large TV's mounted in each housing unit.

Since 2020, the Nevada County Sheriff's Office has been transitioning policies to a new policy system, Lexipol, which includes policies for Wayne Brown Correctional Facility, Truckee Jail Facility, and Court Holding Facility. All policies, including the facility PREA policy, are reviewed and updated on an annual basis and as needed due to legislative changes.

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. Every two years, we are audited by the Board of State and Community Corrections (BSCC). During the last inspection, our Inmate Observation Logs met standards.

In November of 2021, we began our third PREA audit for both Wayne Brown Correctional Facility and Truckee Jail Facility. At the completion of the PREA audit, we were put into corrective action for 180 days in one area. We had to implement a procedure for monitoring retaliation. We have updated our Lexipol policy to reflect this new requirement. We had one inmate whom we monitored with the new retaliation requirements and guidelines in 2021.

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 take their duty to investigate PREA allegations very seriously and have done an excellent job of handling these situations.