

NEVADA COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION



Prison Rape Elimination Act Annual Statistical Report 2022

Prison Rape Elimination Act (PREA) of 2003 Agency Annual Report and Statistics Data 2022

Background

PREA was established in 2003 to address the problem of sexual abuse and harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for the detection, prevention, reduction, and punishment of prison and 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 policy on issues pertaining to sexual abuse and sexual harassment involving staff and incarcerated persons (IP) and is working continuously to implement new policies and training requirements for staff and the incarcerated population, as well as developing standards for detection, prevention, reduction, and punishment of sexual abuse and sexual harassment incidents.

Introduction

Law enforcement agencies nationwide are collecting statistical data related to PREA to review, analyze, and decrease the number 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, to identify problem areas and apply 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 the incarcerated population and a toll-free "hotline" at both Truckee and Wayne Brown Correctional Facilities for all the incarcerated population to confidentially report sexual abuse or harassment, as well as seek outside advocacy and counseling from 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 jail 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 and Incarcerated Persons."

During intake, incarcerated people are given verbal and written education on our "zero tolerance" policy, how to avoid and report sexual assault and harassment, and the resources they have available while incarcerated at Wayne Brown Correctional Facility. Information regarding PREA is also distributed in various formats in both English and Spanish, including an orientation video, posters throughout, booking, medical, kitchen, laundry room, the housing units and hallway, and an

Informational Handbook for Incarcerated Persons, which includes information on how to avoid sexual assault, what to do in case of assault, how to confidentially report a sexual assault, and counseling and advocacy services.

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 in the Survey of Sexual Victimization (SSV) required by the United States Department of Justice. The collection of data includes all IP-on-IP and staff-on-IP 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 number 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: IP-on-IP sexual victimization and staff-on-IP sexual abuse. The following paragraphs define both categories in detail.

Incarcerated persons-on-Incarcerated Persons 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 IP-on-IP, and 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 incarcerated person directed toward another.

Staff-on-Incarcerated Person 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: staff-on-IPs sexual abuse. These categories are:

Staff Sexual Misconduct

Any behavior or act of a sexual nature directed toward an incarcerated person by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors).

Sexual relationships of a romantic nature between staff and incarcerated persons are included in this definition. Consensual or non-consensual 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 made to an incarcerated person by an employee, volunteer, contractor, official visitor, or other agency representatives (excluding 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 2022

Wayne Brown Correctional Facility

	Reported	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing	Referred For Prosecution	Referred to Other Confinement Facility
IP-on-IP Non-Consensual Sexual Acts	0	0	0	0	0	0	0
IP-on-IP Abusive Sexual Contact	0	0	0	0	0	0	0
IP-on-IP Sexual Harassment	1	0	1	0	0	0	0
Staff Sexual Misconduct	1	0	1	0	0	0	0
Staff Sexual Harassment	0	0	0	0	0	0	0
Totals:	2	0	2	0	0	0	0

Truckee Jail Facility

	Reported	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing	Referred For Prosecution	Referred to Other Confinement Facility
IP-on-IP Non-Consensual Sexual Acts	0	0	0	0	0	0	0
IP-on-IP Abusive Sexual Contact	0	0	0	0	0	0	0
IP-on-IP 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 2022, there were zero reports of IP -on- IP non-consensual sexual acts, zero reports of IP -on- IP abusive sexual contact, one report of IP -on- IP sexual harassment, one report of staff sexual misconduct, and zero reports of staff sexual harassment. Both reports were thoroughly investigated and found to be unsubstantiated. None of the reports were referred for prosecution or to another confinement facility.

Data Comparison from Prior and Current Years

Wayne Brown Correctional Facility

	IP-on-IP Non-Consensual Sexual Acts	IP-on-IP Abusive Sexual Contact	IP-on-IP 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
2022	0	0	1	1	0

Truckee Jail Facility

	IP-on-IP Non-Consensual Sexual Acts	IP-on-IP Abusive Sexual Contact	IP-on-IP 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
2022	0	0	0	0	0

Corrective Actions in Addressing Sexual Abuse and Sexual Harassment

An incident review team convenes for all IP-on-IP sexual abuse and staff misconduct investigations unless the case is determined to be unfounded. The purpose of the review is to determine if there is a need to make any changes to our policies and practices to better detect, prevent, or respond to sexual abuse allegations and if any corrective action is needed. Incident reviews also look at the potential motivations of allegations like race, gender identification, sexual preference, and gang affiliations. A report is created with the findings and improvements recommended by the review team. The report is then submitted to the Jail Commander.

Suggestions for corrective action typically include the following:

- Continued PREA training for all staff, contractors, and volunteers
- Ongoing review of operational practices to improve sexual safety
- Continued PREA education for all incarcerated persons
- Monitoring staff and incarcerated persons for retaliation
- Updating policies

During 2022, there was one unsubstantiated allegation of staff misconduct that was reviewed by the incident review team.

In reviewing all the reports since 2014, excluding those determined to be unfounded, incarcerated people are typically victimized by other incarcerated people, and these crimes primarily occur in the incarcerated person's living areas, where the incarcerated people have a certain amount of concealment from staff. Investigation and review of all reported incidents have also revealed a trend of incarcerated persons making false allegations in an attempt to manipulate their assigned housing or to remove "undesirable" incarcerated people from housing units or dorms.

In comparison to 2021, we saw a significant decrease in PREA-related incidents or complaints of IP-on-IP harassment in 2022. Because each new employee is required to undergo PREA training and continued training for staff, contractors, and incarcerated people, the low incidence of PREA complaints could be attributed to this.

Continuous Prevention Measures

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

The Sheriff's Office has completed and passed three PREA audits dating back to 2016. All policies, including the facility PREA policy, are reviewed and updated on an annual basis and as needed due to legislative changes.

Hourly checks of all incarcerated persons are conducted in accordance with 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 incarcerated persons observation logs met standards.

Between Wayne Brown Correctional Facility and the Truckee Jail Facility, we now have approximately 180 fixed video surveillance cameras. In the coming fiscal year of 2023-2024, we will assess the need for more cameras in both facilities.

Conclusion

The Nevada County Sheriff's Office will continue to make necessary changes to protect our incarcerated population's safety and security while maintaining a zero-tolerance culture for all forms of sexual abuse and harassment. Furthermore, our staff takes their responsibility for investigating PREA claims very seriously and has handled these instances admirably.