

**STANISLAUS COUNTY
SHERIFF'S DEPARTMENT**



**Prison Rape Elimination Act (PREA)
Public Law 108-79
Annual Statistical Report
&
Assessment of Data Review for Corrective
Action
(28 C.F.R. §115.88)**

2012

Adam Christianson, Sheriff – Coroner

Background

The Prison Rape Elimination Act of 2003 (PREA) was passed by the U.S. Congress and was created for the protection of inmates against sexual assaults by other inmates or staff members while confined in various adult and juvenile facilities or institutions. The goal is to prevent, detect, and respond to such incidents of sexual assault and abuse of an inmate.

The Stanislaus County Sheriff's Department maintains a zero-tolerance regarding inmate-on-inmate sexual assault, staff sexual abuse, sexual misconduct, and/or sexual harassment toward any inmate. The Department 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

The Stanislaus County Sheriff's Department 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.

The Stanislaus County Sheriff's Department is making statistical data available to the public on an annual basis. These findings are published and posted to the Department's website. The Department 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.

In addition, the United States Department of Justice (DOJ), Bureau of Justice Statistics (BJS), and the United States Census Bureau are collaboratively working together to collect data from jails, prisons, and juvenile facilities each year. This is in their efforts in meeting the PREA requirement of a comprehensive statistical review and analysis with regards to the incidences and effects of prison rape. This report contains definitions as specified on the Survey of Sexual Violence (SSV) provided by DOJ BJS. The collection of data includes all inmate-on-inmate and staff-on-inmate incidents related to nonconsensual sexual acts, abusive sexual contacts, staff sexual misconduct and staff sexual harassment.

In the 2012 SSV, DOJ identifies and defines these (2) two categories; inmate-on-inmate sexual violence and staff-on-inmate sexual misconduct and harassment, with further detail in the following paragraphs.

Inmate-on-Inmate Sexual Violence

For purposes of SSV, inmate-on-inmate sexual violence is categorized as nonconsensual sexual acts and abusive sexual contacts, both are defined below.

Nonconsensual Sexual Acts

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 vagina or the penis and the anus including penetration, however slight;

OR

Contact between the mouth and the penis, vagina, or anus;

OR

Penetration of the anal or genital opening of another person by a hand, finger, or other object.

Abusive Sexual Contacts

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 intent of the sexual contact is to harm or debilitate rather than to sexually exploit.

Staff-on-Inmate Sexual Abuse

For purposes of SSV, staff -on-inmate sexual abuse is categorized as staff sexual misconduct and staff sexual harassment, both are defined below.

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 inmate 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 including:

Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks 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 sexual gratification.

Staff Sexual Harassment

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

Demeaning references to gender or derogatory comments about body or clothing;

OR

Repeated profane or obscene language or gestures.

Sexual Abuse Investigation Dispositions are as follows:

Substantiated

The event was investigated and determined to have occurred.

Unsubstantiated

Evidence was insufficient to make a final determination that the event occurred.

Unfounded

The event was determined **NOT** to have occurred.

Investigation Ongoing

A final determination has not yet been made as to whether the event occurred.

Data Collected

The Stanislaus County Sheriff's Department Adult Detention Division collects, identifies, tracks, and reports any incident as defined above. The Operations Division is responsible for conducting immediate and comprehensive investigations of the detention facilities within Stanislaus County Sheriff's Department and provides the disposition of the investigation.

Annual Statistical Data

01/01/2012-12/31/2012

Inmate-on-Inmate Allegations

| Investigation Disposition | Nonconsensual Sexual Acts | Abusive Sexual Contacts |
|---------------------------|---------------------------|-------------------------|
| Substantiated | <u>0</u> | <u>0</u> |
| Unsubstantiated | <u>0</u> | <u>1</u> |
| Unfounded | <u>0</u> | <u>0</u> |
| Investigation Ongoing | <u>0</u> | <u>1</u> |
| Total | <u>0</u> | <u>2</u> |

Please note that one investigation may include several allegations

Staff-on-Inmate Allegations

| Investigation Disposition | Staff Sexual Misconduct | Staff Sexual Harassment |
|---------------------------|-------------------------|-------------------------|
| Substantiated | <u>0</u> | <u>0</u> |
| Unsubstantiated | <u>0</u> | <u>0</u> |
| Unfounded | <u>0</u> | <u>0</u> |
| Investigation Ongoing | <u>0</u> | <u>0</u> |
| Total | <u>0</u> | <u>0</u> |

Please note that one investigation may include several allegations

Data Collected

In 2011, PREA had not been implemented and there is no data available.

In 2012, allegations of Inmate-on-Inmate were (0) Nonconsensual Sexual Acts and (2) Abusive Sexual Contacts. Allegations of Staff-on-Inmate were (0) Staff Sexual Misconduct and (0) Staff Sexual Harassment.

Data Review for Corrective Action

Considering that the PREA standards were not finalized and published until 2012, there is no data available to conduct a data review for corrective action for 2011. However, in becoming aware of PREA, we have begun the process of educating staff of what PREA means and creating awareness that sexual abuse occurs in detention facilities amongst inmates and staff. The corrective action is to find ways to implement the standards in our detention facilities in addressing sexual abuse.



For Adam Christianson, Sheriff – Coroner