

STANISLAUS COUNTY SHERIFF'S DEPARTMENT



**Prison Rape Elimination Act (PREA)
Public Law 108-79
Annual Statistical Report
&
Assessment of Data Review
(28 C.F.R. §115.88)
2018**

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 procedures for detecting, preventing, and responding to incidents of sexual abuse and sexual harassment, and ensuring perpetrators are punished where an investigation substantiates such allegations.

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 Victimization (**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 contact, sexual harassment, staff sexual misconduct and staff sexual harassment.

In the 2018 SSV, DOJ identifies and defines these (2) two categories; inmate-on-inmate sexual victimization and staff-on-inmate sexual abuse, with further detail in the following paragraphs.

Inmate-on-Inmate Sexual Victimization

For purposes of SSV, inmate-on-inmate sexual victimization is categorized as nonconsensual sexual acts, abusive sexual contact, and sexual harassment. All are defined below.

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 slight;

OR

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

OR

Penetration of the anal or genital opening of 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 and 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

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 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:

Substantiated

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

Unsubstantiated

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

Unfounded

The investigation determined that the event did **NOT** occur.

Investigation Ongoing

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

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. On the next page of this report will be our annual statistical data; this data is broken down by each facility and then summarized as agency wide.

Annual Statistical Data

01/01/2017-12/31/2017

Inmate-on-Inmate Allegations

Sheriff's Detention Center

Investigation Disposition	Nonconsensual Sexual Acts	Abusive Sexual Contact	Sexual Harassment
Substantiated	<u>0</u>	<u>0</u>	<u>0</u>
Unsubstantiated	<u>1</u>	<u>2</u>	<u>0</u>
Unfounded	<u>0</u>	<u>0</u>	<u>0</u>
Investigation Ongoing	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>1</u>	<u>2</u>	<u>0</u>

Public Safety Center

Investigation Disposition	Nonconsensual Sexual Acts	Abusive Sexual Contact	Sexual Harassment
Substantiated	<u>1</u>	<u>0</u>	<u>0</u>
Unsubstantiated	<u>0</u>	<u>0</u>	<u>2</u>
Unfounded	<u>1</u>	<u>0</u>	<u>1</u>
Investigation Ongoing	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>2</u>	<u>0</u>	<u>3</u>

Minimum Housing Units 1&2

Investigation Disposition	Nonconsensual Sexual Acts	Abusive Sexual Contact	Sexual Harassment
Substantiated	<u>1</u>	<u>0</u>	<u>0</u>
Unsubstantiated	<u>0</u>	<u>0</u>	<u>0</u>
Unfounded	<u>0</u>	<u>1</u>	<u>0</u>
Investigation Ongoing	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>1</u>	<u>1</u>	<u>0</u>

County Jail

Investigation Disposition	Nonconsensual Sexual Acts	Abusive Sexual Contact	Sexual Harassment
Substantiated	<u>0</u>	<u>0</u>	<u>0</u>
Unsubstantiated	<u>0</u>	<u>0</u>	<u>0</u>
Unfounded	<u>0</u>	<u>0</u>	<u>0</u>
Investigation Ongoing	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>0</u>	<u>0</u>	<u>0</u>

Agency Wide

Investigation Disposition	Nonconsensual Sexual Acts	Abusive Sexual Contact	Sexual Harassment
Substantiated	<u>2</u>	<u>0</u>	<u>0</u>
Unsubstantiated	<u>1</u>	<u>2</u>	<u>2</u>
Unfounded	<u>1</u>	<u>1</u>	<u>1</u>
Investigation Ongoing	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>4</u>	<u>3</u>	<u>3</u>

Please note that one investigation may include several allegations

Staff-on-Inmate Allegations

Sheriff's Detention Center

Investigation Disposition	Staff Sexual Misconduct	Staff Sexual Harassment
Substantiated	<u>0</u>	<u>0</u>
Unsubstantiated	<u>1</u>	<u>0</u>
Unfounded	<u>1</u>	<u>1</u>
Investigation Ongoing	<u>0</u>	<u>0</u>
Total	<u>2</u>	<u>1</u>

Public Safety Center

Investigation Disposition	Staff Sexual Misconduct	Staff Sexual Harassment
Substantiated	<u>0</u>	<u>0</u>
Unsubstantiated	<u>0</u>	<u>0</u>
Unfounded	<u>4</u>	<u>1</u>
Investigation Ongoing	<u>0</u>	<u>0</u>
Total	<u>4</u>	<u>1</u>

Minimum Housing Units 1&2

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>

County Jail

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>

Agency Wide

Investigation Disposition	Staff Sexual Misconduct	Staff Sexual Harassment
Substantiated	<u>0</u>	<u>0</u>
Unsubstantiated	<u>1</u>	<u>0</u>
Unfounded	<u>5</u>	<u>2</u>
Investigation Ongoing	<u>0</u>	<u>0</u>
Total	<u>6</u>	<u>2</u>

In 2017, allegations of Inmate-on-Inmate were (0) Nonconsensual Sexual Acts and (5) Abusive Sexual Contacts, and (5) Sexual Harassment. Allegations of Staff-on-Inmate were (4) Staff Sexual Misconduct and (4) Staff Sexual Harassment.

In 2018, allegations of Inmate-on-Inmate were (4) Nonconsensual Sexual Acts and (4) Abusive Sexual Contacts, and (3) Sexual Harassment. Allegations of Staff-on-Inmate were (6) Staff Sexual Misconduct and (2) Staff Sexual Harassment.

In comparison of 2016 and 2017 of the Inmate-on-Inmate allegations, the amount of Nonconsensual Sexual Acts reported increased to 4, but the amount of Abusive Sexual Contacts and Sexual Harassment allegations decreased. There were a total of 11 allegations involving Inmate-on-Inmate misconduct, 6 cases were closed as Unsubstantiated, 3 cases were closed as Unfounded, and only 2 cases were closed as Substantiated. Data shows Staff Sexual Misconduct allegations increased by 2, while allegations of Staff Sexual Harassment decreased by two. There were a total of 8 allegations involving staff members, 7 cases were closed as Unfounded, and 1 case was closed as Unsubstantiated.

§ 115.87 Data collection

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

§ 115.88 Data review for corrective action

- (a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.

Problem Areas Identified

This review of incident-based data collected and aggregated revealed the following problem areas:

1. No problem areas were found

Corrective Actions

The following corrective actions were taken to address the problem areas identified above:

1. No corrective actions were necessary

Comparison of Data and Corrective Actions

Data Comparisons:

Current Year Inmate-on-Inmate Allegations of Sexual Abuse or Sexual Harassment	Prior Year Inmate-on-Inmate Allegations of Sexual Abuse or Sexual Harassment
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Administrative Investigations		Administrative Investigations	
Substantiated	2	Substantiated	1
• Disciplinary Sanctions Imposed	2	Disciplinary Sanctions Imposed	0
Unsubstantiated	5	Unsubstantiated	8
Unfounded	3	Unfounded	1

Criminal Investigations		Criminal Investigations	
Substantiated	2	Substantiated	0
• Criminal charges filed	2	• Criminal charges filed	0
• Charges not filed	0	• Charges not filed	0
Unsubstantiated	1	Unsubstantiated	0
Unfounded	1	Unfounded	0

Current Year Staff-on-Inmate Allegations of Sexual Abuse or Sexual Harassment	Prior Year Staff-on-Inmate Allegations of Sexual Abuse or Sexual Harassment
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Administrative Investigations		Administrative Investigations	
Substantiated	0	Substantiated	0
• Disciplinary Sanctions Imposed	0	Disciplinary Sanctions Imposed	0
Unsubstantiated	1	Unsubstantiated	5
Unfounded	7	Unfounded	3

Criminal Investigations		Criminal Investigations	
Substantiated	0	Substantiated	0
• Criminal charges filed	0	• Criminal charges filed	0
• Charges not filed	0	• Charges not filed	0
Unsubstantiated	0	Unsubstantiated	0
Unfounded	0	Unfounded	0

Corrective Actions Comparisons:

Current Year Corrective Actions	Prior Year Corrective Actions
Updated training for staff related to their roles/responsibilities in preventing, detecting, and responding to PREA incidents	Staff Training on their roles & responsibilities related to PREA
Staff training related to professional communication with inmates, including those who identify as LGBT	Staff training on communicating with inmates
Provide inmates with information on their rights under PREA as well as different agencies they can report to	Inform inmates on their rights related to PREA

Summary

The Stanislaus County Sheriff's Department continues to bring awareness to inmates of their rights against sexual abuse in our detention facilities. In reviewing incidents from the last year it appears that the majority of the incidents occurred inside of the victim's cell. Title 15 stipulates that no video monitoring is allowed inside the inmates' cells. After each substantiated and unsubstantiated sexual assault incident, the area where the abuse occurred is looked at to assess if there are any areas which enabled the abuse; so far no enabling factors have been identified. Based on the aforementioned reviews no problem areas have been identified. Staff security rounds are the primary deterrent to potential perpetrators and the importance of this has been stressed to our staff.

We are continuing the process of educating staff on PREA, to include their roles and responsibilities in preventing, detecting, and responding to sexual abuse in our facilities. While our past training has helped to minimize allegations, there is always room for improvement. In order to prevent future claims of sexual harassment our staff is also trained on how to professionally communicate with the inmates within our facilities.

These corrective actions will be conducted on an ongoing basis, bringing the agency closer to our goal of zero incidents of sexual abuse/harassment within our Adult Detention Facilities.



Jeff Dirkse, Sheriff – Coroner