

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)
2016**

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 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 2016 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.

Annual Statistical Data

01/01/2016-12/31/2016

Inmate-on-Inmate Allegations

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>2</u>
Unfounded	<u>5</u>	<u>2</u>	<u>0</u>
Investigation Ongoing	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>5</u>	<u>2</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>1</u>	<u>0</u>
Unfounded	<u>3</u>	<u>0</u>
Investigation Ongoing	<u>0</u>	<u>0</u>
Total	<u>4</u>	<u>0</u>

Please note that one investigation may include several allegations

Data Review & Comparison

In 2015, allegations of Inmate-on-Inmate were (5) Nonconsensual Sexual Acts, (3) Abusive Sexual Contacts, and (3) Sexual Harassment. Allegations of Staff-on-Inmate were (1) Staff Sexual Misconduct and (1) Staff Sexual Harassment.

In 2016, allegations of Inmate-on-Inmate were (5) Nonconsensual Sexual Acts and (2) Abusive Sexual Contacts, and (2) Sexual Harassment. Allegations of Staff-on-Inmate were (4) Staff Sexual Misconduct and (0) Staff Sexual Harassment.

In comparison of 2015 and 2016 of the Inmate-on-Inmate allegations, the amount of Nonconsensual Sexual Acts reported remained the same, but the amount of Abusive Sexual Contacts and Sexual Harassment allegations decreased. Data also shows an increase of Staff Sexual Misconduct allegations, but a decrease in Staff Sexual Harassment allegations.

Corrective Actions

The Stanislaus County Sheriff's Department continues to bring awareness to inmates of their rights against sexual abuse in our detention facilities. 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 detention facilities. Our staff is also trained on how to professionally communicate with the inmates within our facilities.



For Adam Christianson, Sheriff – Coroner