

# **SAN DIEGO COUNTY SHERIFF'S DEPARTMENT**



## **Prison Rape Elimination Act Annual Statistical Report 2017**

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## 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 San Diego County Sheriff's Department 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 San Diego 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 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 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.

The United States Department of Justice identified (2) 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.

**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**

The Detention Investigations Unit and the Internal Affairs Unit have been tasked with collecting, identifying, tracking, and reporting of any incident as defined above. The first part of this report contains statistical information from the Detentions Investigations Unit. The Detentions Investigation Unit is responsible for conducting immediate and comprehensive investigations of the detention facilities within the San Diego County Sheriff's Department.

The second part of this report contains statistical information from the Internal Affairs Unit. Internal Affairs is the central controlling point for investigating complaints of alleged employee misconduct, once a case has been investigated and *substantiated* by either the Sheriff's Department Sexual Assault Unit or the Detention's Investigations Unit. The Internal Affairs Unit prides itself in its ability to conduct fair, thorough and impartial internal investigations. This collection of data includes the number, types and disposition of investigations. The Department believes that by also providing this information to the public, it will clearly show that the Sheriff holds his personnel accountable for their actions.

These findings are published annually and posted to the Department's web site. They are also available for review at the John F. Duffy Administrative Center, 9621 Ridgehaven Court, San Diego, CA 92123.

**Part 1: Inmate on Inmate Allegations**

Investigation Disposition	Nonconsensual Sexual Acts Allegations	Abusive Sexual Contact Allegations	Sexual Harassment Allegations	2017 Allegations
Substantiated	0	1	0	1
Unfounded	6	2	0	8
Unsubstantiated	9	12	1	22
<b>Grand Total</b>	<b>15</b>	<b>15</b>	<b>1</b>	<b>31</b>
<b>The Department processed 31 investigations in 2017.</b>				

**Part 2: Staff on Inmate Allegations**

Investigation Disposition	Staff Sexual Misconduct
Unsubstantiated	3
Unfounded	1
<b>Grand Total</b>	<b>4</b>
<b><i>The Department processed 4 investigations in 2017.</i></b>	