

SAN DIEGO COUNTY SHERIFF'S OFFICE



Prison Rape Elimination Act Annual Statistical Report 2024

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Background

The Prison Rape Elimination Act (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. Significant provisions of PREA include the development of standards for the detection, prevention, reduction, and punishment of prison/jail rapes. This applies to all public and private institutions that house adult or juvenile offenders, as well as community-based agencies.

The San Diego County Sheriff's Office has a zero-tolerance policy on issues of sexual abuse and sexual harassment involving staff and incarcerated persons. The Sheriff's Office continuously works to remain current with PREA-mandated training requirements for staff and incarcerated persons and develop standards for detecting, preventing, reducing, and punishing 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 incidents. The San Diego County Sheriff's Office is committed to reviewing PREA incidents from multiple perspectives, including training, policies, procedures, staffing, facility construction, and surveillance technology to identify problem areas and apply appropriate solutions to reduce sexual abuse and harassment.

In their ongoing efforts to enhance organizational transparency, the Sheriff and the Undersheriff make 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 (S.S.V.) required by the United States Department of Justice. Data collection includes information on incarcerated person-on-incarcerated person allegations and staff-on-incarcerated person allegations of both *sexual abuse and/or sexual harassment*. The Sheriff's Office believes that providing this information to the public 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 U.S. Department of Justice Bureau of Statistics provided the following definitions under the category of incarcerated person-on-incarcerated person sexual victimization.

SEXUAL ABUSE

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact 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, detainee, or resident directed toward another.

Excerpt from The U.S. Department of Justice Bureau of Statistics (Form SSV-3)

The U.S. Department of Justice Bureau of Statistics provided the following definitions under the category of staff on incarcerated person sexual victimization.

STAFF SEXUAL ABUSE

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)–(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

STAFF SEXUAL HARASSMENT

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to sex, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Excerpt from The U.S. Department of Justice Bureau of Statistics (Form SSV-3)

Sexual Abuse and Sexual Harassment Investigation dispositions as defined by the Department of Justice Bureau of Statistics:

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 Detentions Investigations Unit and the Sexual Assault Unit have been tasked with collecting, identifying, and tracking any incident as defined above.

The Division of Inspectional Services Unit has been tasked with fulfilling the annual mandated PREA reporting requirements.

This report contains statistical information from the Detentions Investigations Unit and the Sexual Assault Unit. The Detentions Investigations Unit is responsible for conducting immediate and comprehensive investigations of PREA allegations involving incarcerated persons' sexual victimization in the detention facilities operated by the San Diego County Sheriff's Office. The Sexual Assault Unit is responsible for conducting immediate and comprehensive investigations of staff-on-incarcerated person sexual victimization PREA allegations in the detention facilities operated by the San Diego County Sheriff's Office.

The Internal Affairs Unit is the central controlling point for investigating complaints of employee misconduct that have been substantiated by the Sheriff's Office Sexual Assault Unit or the Detentions Investigations Unit. The Internal Affairs Unit conducts fair, thorough, and impartial internal investigations.

The data collected from the Detentions Investigations Unit and the Sexual Assault Unit include the number of PREA incidents reported, as well as the allegations and dispositions of the investigations. The public posting of this report provides data and information that support the San Diego County Sheriff's Office's commitment to holding its employees accountable for their actions and increasing transparency to the citizens we serve.

Incarcerated Person on Incarcerated Person Allegations

Investigation Disposition	Sexual Abuse Allegations	Sexual Harassment Allegations
Investigation Ongoing	0	0
Substantiated	0	1
Unfounded	2	0
Unsubstantiated	24	3
Grand Total	26	4
<i>*The Sheriff's Office conducted <u>30</u> investigations in 2024*</i>		

Incarcerated Person on Incarcerated Person Case Findings

Investigation Disposition	2024 Case Findings
Investigation Ongoing	0
Substantiated	1
Unfounded	2
Unsubstantiated	27
Grand Total	30

Staff on Incarcerated Person Allegations

Investigation Disposition	Sexual Abuse Allegations	Sexual Harassment Allegations
Investigation Ongoing	0	0
Substantiated	0	0
Unfounded	7	2
Unsubstantiated	5	1
Grand Total	12	3
<i>*The Sheriff's Office conducted <u>15</u> investigations in 2024*</i>		

Staff on Incarcerated Person Case Findings

Investigation Disposition	2024 Case Findings
Investigation Ongoing	0
Substantiated	0
Unfounded	9
Unsubstantiated	6
Grand Total	15

The findings are published annually and posted on the Sheriff's Office website. They are also available for review at the John F. Duffy Administrative Center, 9621 Ridgehaven Court, San Diego, CA 92123.