

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT



Prison Rape Elimination Act Annual Statistical Report 2020

William D. Gore, Sheriff
Kelly Martinez, Undersheriff

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. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison/jail rapes. This 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 a zero-tolerance policy on issues pertaining to sexual abuse and sexual harassment involving staff and inmates. The department continuously works to remain current with PREA mandated 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 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 the use of surveillance technology with the goal of identifying problem areas and applying appropriate solutions to reduce sexual abuse and harassment.

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 allegations of: *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 number 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 slight.

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

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 inmate-on-inmate PREA allegations in the detention facilities operated by the San Diego County Sheriff's Department. The Sexual Assault Unit is responsible for conducting immediate and comprehensive investigations of staff-on-inmate PREA allegations in any facility operated by the San Diego County Sheriff's Department.

The Internal Affairs Unit is the central controlling point for investigating complaints of employee misconduct that has been substantiated by the Sheriff's Department 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 includes the number of PREA incidents reported, as well as the allegation and disposition of the investigations. The public posting of this report provides data and information which supports the San Diego County Sheriff's Department commitment to holding its employees accountable for their actions and increasing transparency to the citizens we serve.

The 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.

Inmate on Inmate Allegations

Investigation Disposition	Nonconsensual Sexual Acts Allegations	Abusive Sexual Contact Allegations	Sexual Harassment Allegations	2020 Allegations
Investigation Ongoing	0	0	0	0
Substantiated	1	1	0	2*
Unfounded	4	4	0	8*
Unsubstantiated	14	14	2	30*
Grand Total	19	19	2	40*
<i>The Department processed 21 cases/investigations in 2020.</i>				
Please note that some Investigations may include multiple allegations				

Staff on Inmate Allegations

Investigation Disposition	Staff Sexual Misconduct	Staff Sexual Harrasment	2020 Allegations
Investigation Ongoing	0	0	0
Substantiated	0	0	0
Unfounded	1	0	1
Unsubstantiated	0	0	0
Grand Total	1	0	1
<i>The Department processed 1 case/investigation in 2020.</i>			