

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT



Prison Rape Elimination Act Annual Statistical Report 2022

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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 and is relevant to community-based agencies.

The San Diego County Sheriff's Department has a zero-tolerance policy on issues about sexual abuse and sexual harassment involving staff and incarcerated persons. The Department 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 Department 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 continuous efforts to improve organizational transparency, the Sheriff and the Undersheriff are making these statistics available to the public annually. 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 all incarcerated person-on-incarcerated person and staff-on-incarcerated person allegations of *nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct, and staff sexual harassment*. The Sheriff's Department 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 United States Department of Justice identified (2) two categories related to sexual abuse and sexual victimization: incarcerated person-on-incarcerated person sexual victimization and staff-on-incarcerated person sexual abuse. The following paragraphs define both categories in detail.

Incarcerated Person on Incarcerated Person Sexual Victimization

The survey utilizes the definition of "sexual abuse" 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 S.S.V., sexual abuse is disaggregated into three categories of incarcerated person-on-incarcerated person 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 incarcerated person directed toward another.

Staff on Incarcerated Person 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 S.S.V., sexual abuse is disaggregated into two categories of staff-on-incarcerated person sexual abuse. These categories are:

Staff Sexual Misconduct

Any behavior or act of a sexual nature directed toward an incarcerated person 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 incarcerated persons 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 incarcerated person 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 and Sexual Assault Unit. The Detentions Investigations Unit is responsible for conducting immediate and comprehensive investigations of incarcerated person-on-incarcerated person 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-incarcerated person 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 have 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 and the allegations and disposition of the investigations. The public posting of this report provides data and information that supports the San Diego County Sheriff's Department's commitment to holding its employees accountable for their actions and increasing transparency to the citizens we serve.

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

Incarcerated Person on Incarcerated Person Allegations

Investigation Disposition	Nonconsensual Sexual Acts Allegations	Abusive Sexual Contact Allegations	Sexual Harassment Allegations
Investigation Ongoing	1	1	0
Substantiated	0	1	0
Unfounded	10	9	7
Unsubstantiated	44	42	12
Grand Total	55	53	19

Incarcerated Person on Incarcerated Person Case Findings

Investigation Disposition	2022 Case Findings
Investigation Ongoing	1
Substantiated	1
Unfounded	17
Unsubstantiated	53
Grand Total	72

The Department processed 72 investigations in 2022

Staff on Incarcerated Person Allegations

Investigation Disposition	Staff Sexual Misconduct	Staff Sexual Harrasment
Investigation Ongoing	1	0
Substantiated	0	0
Unfounded	8	0
Unsubstantiated	1	2
Grand Total	10	2

The Department processed 12 investigations in 2022

Staff on Incarcerated Person Case Findings

Investigation Disposition	2022 Case Findings
Investigation Ongoing	1
Substantiated	0
Unfounded	9
Unsubstantiated	2
Grand Total	12