

Orange County Corrections Prison Rape Elimination Act Annual Report



2018

Submitted by: Ellen Ritten, PREA Coordinator

November 2019

History

The Prison Rape Elimination Act (PREA) was established in 2003 by the United States Congress in order to address the problem of sexual abuse and sexual harassment in correctional facilities. The major provisions of the PREA Standards include:

- ✓ Adherence to a zero-tolerance policy
- ✓ Development of standards for detection, prevention, reduction and punishment of prison rape.
- ✓ Collection and dissemination of information on the incident of prison rape

The goals of PREA align with the mission of the Orange County Corrections Department, in that *we are committed to operating a safe, secure correctional system delivering quality programs and services while maintaining the dignity and respect of those we serve and our staff.*

Purpose

Pursuant to of the Prison Rape Elimination Act Standards, this report serves as an annual review required to assess and improve the effectiveness of the Orange County Corrections Department (OCCD) policies, procedures and training as it relates to sexual abuse prevention, detection and response.

115.88 Data Review for Corrective Action

(a) The agency shall review data collected and aggregated pursuant to PREA Standard 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, including by:

- (1) Identifying problem areas;*
- (2) Taking corrective action on an on-going basis; and*
- (3) Preparing an annual report of its findings and corrective actions.*

(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

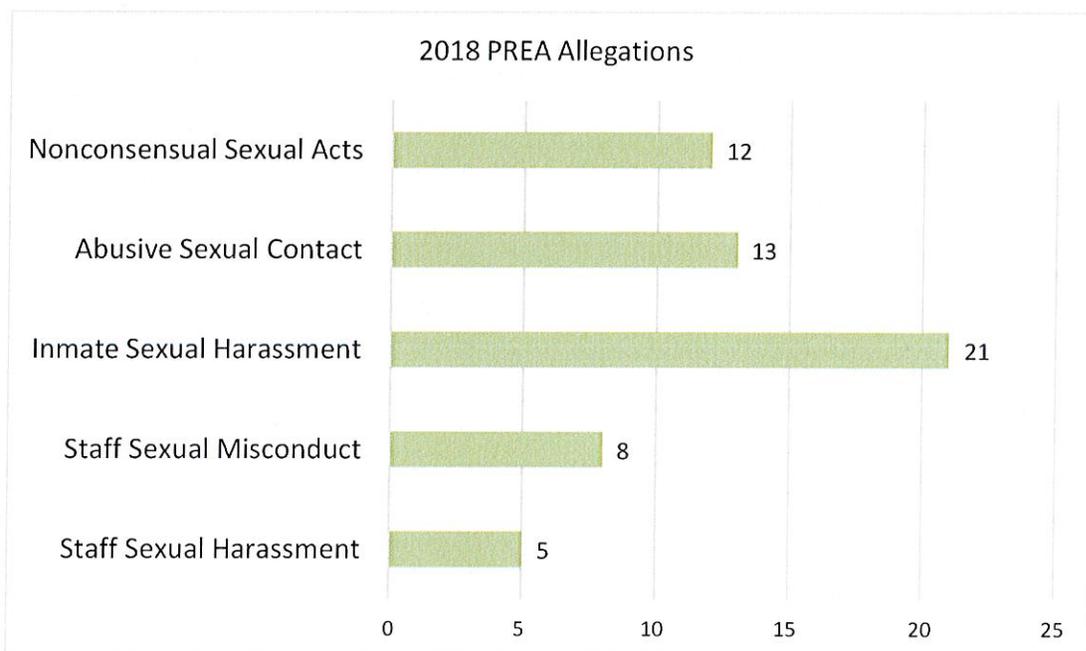
(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

Collected Data

2018 PREA Allegations

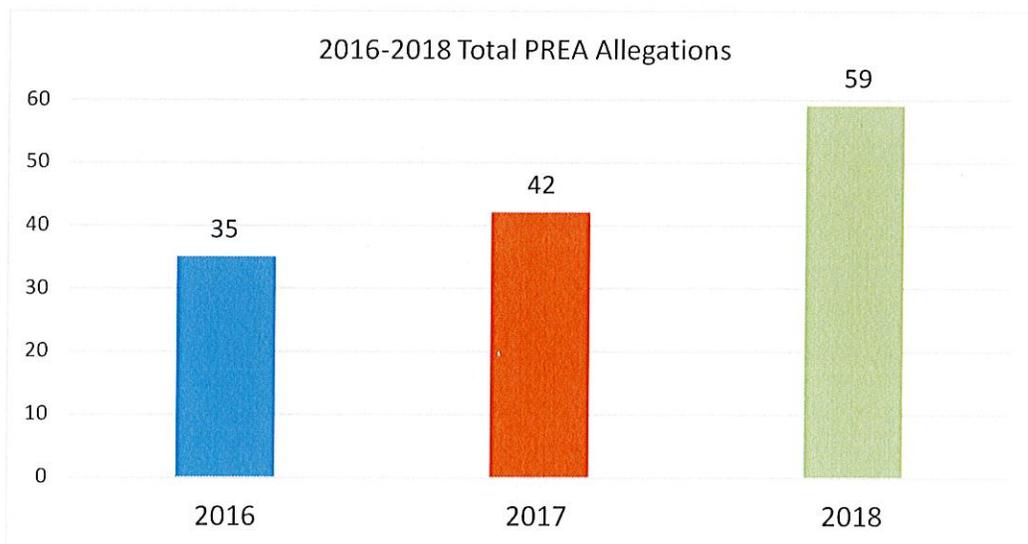
The Orange County Corrections Department collects data from the referrals for investigations of sexual abuse/misconduct and sexual harassment, to include both inmate on inmate and staff on inmate allegations.

The following graph indicates a breakdown of the sexual abuse and harassment allegations from 2018, which includes a total of fifty-nine (59) reported incidents. ([See Attachment A, Definitions](#))

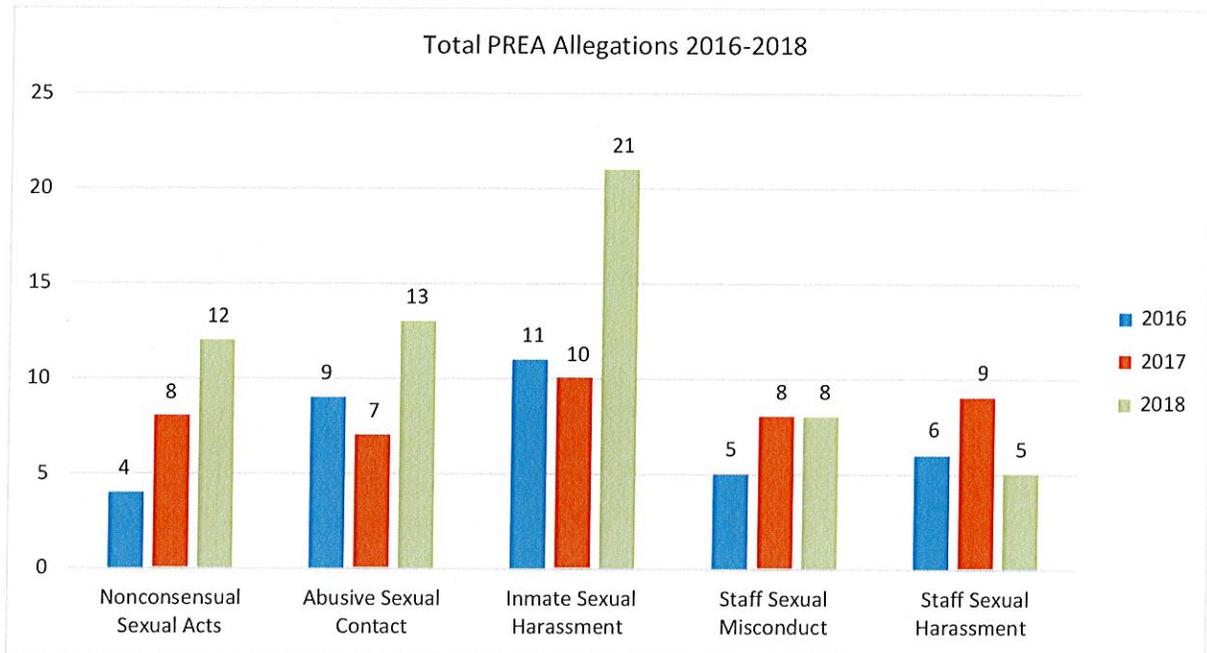


Comparison of Reported PREA Allegations 2016-2018

The following graph indicates a comparison of total sexual abuse and harassment allegations from 2016-2018:



The following graph compares the total number of reported incidents from 2016 (35), 2017 (42) and 2018 (59) – by the type of allegation.



The Average Daily Population (ADP): **2016 = 2625**

2017 = 2497

2018 = 2632

The number of reported incidents has increased each year since the Department began the implementation of the PREA Standards. This may be attributed to the efforts of the Department to create a reporting culture for both staff and inmates and is consistent with national trends. The number of incidents of sexual abuse and sexual harassment reported to the Federal Bureau of Justice increased dramatically after new national standards were issued. Through extensive training and education, we continue to stress the importance of reporting sexual abuse and sexual harassment and have provided inmates with several different methods for reporting.

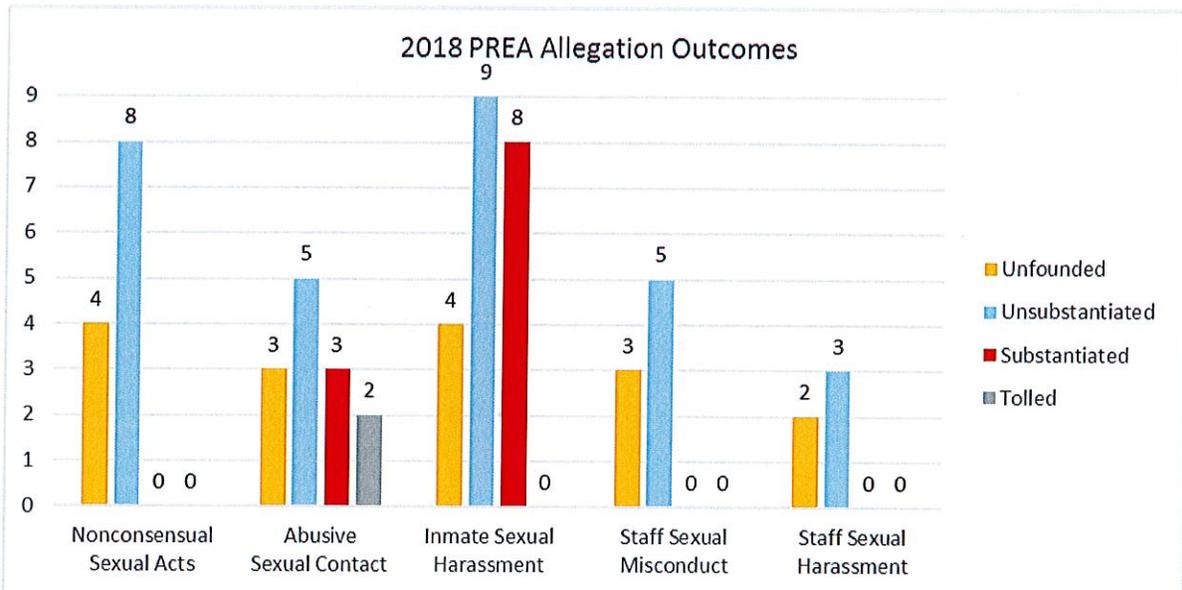
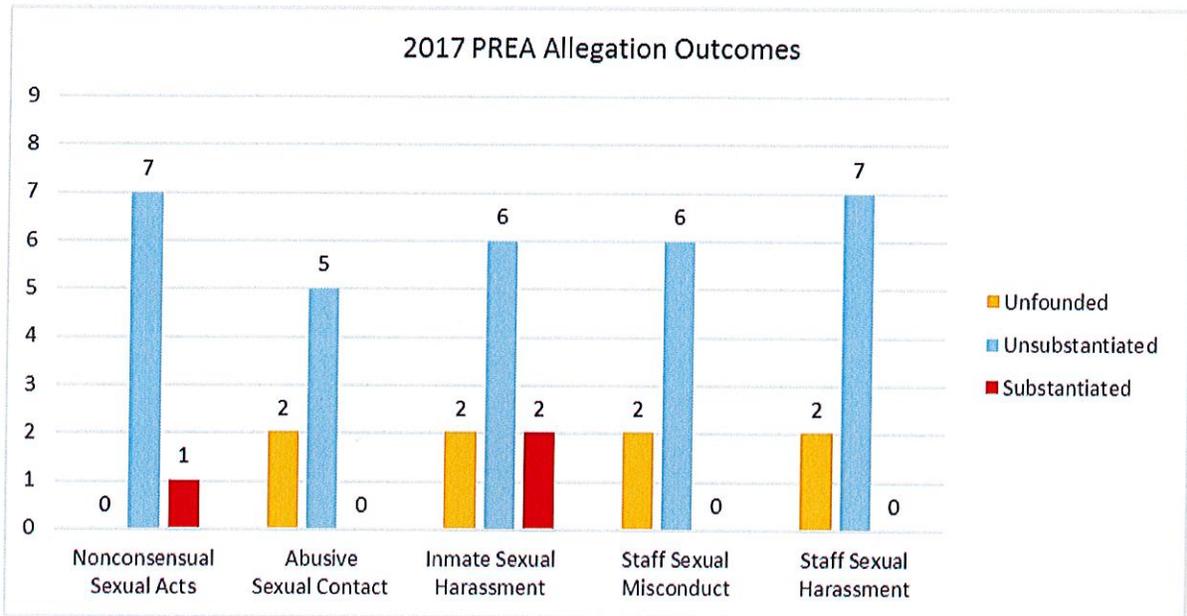
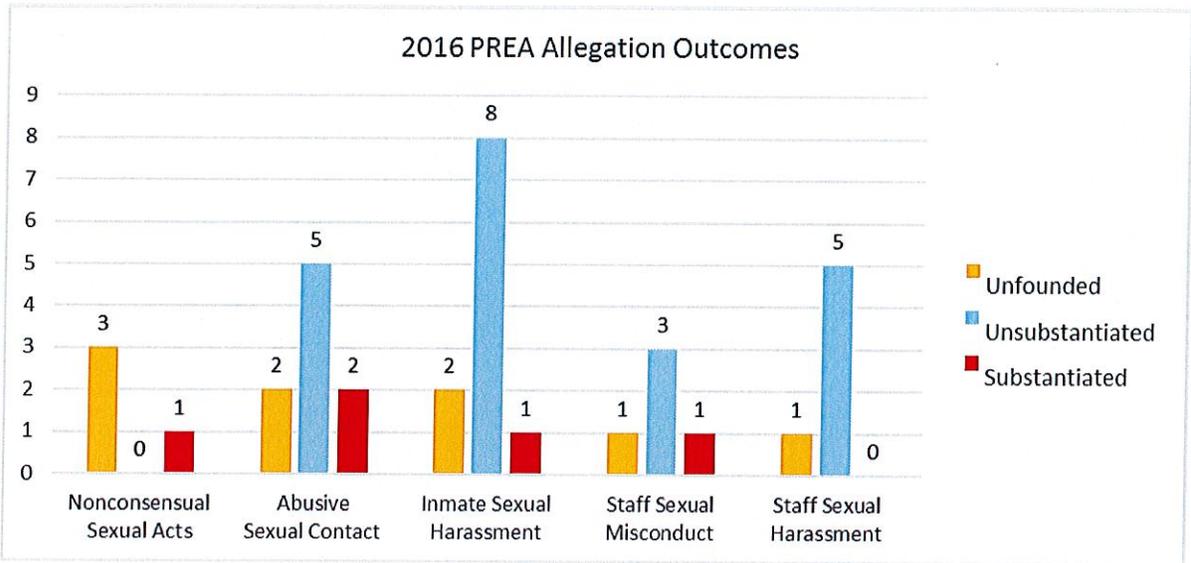
Incident Findings

At the conclusion of an Internal Affairs investigation, a finding is determined based on the facts of the case. The incident findings as defined in the PREA Standards are as follows:

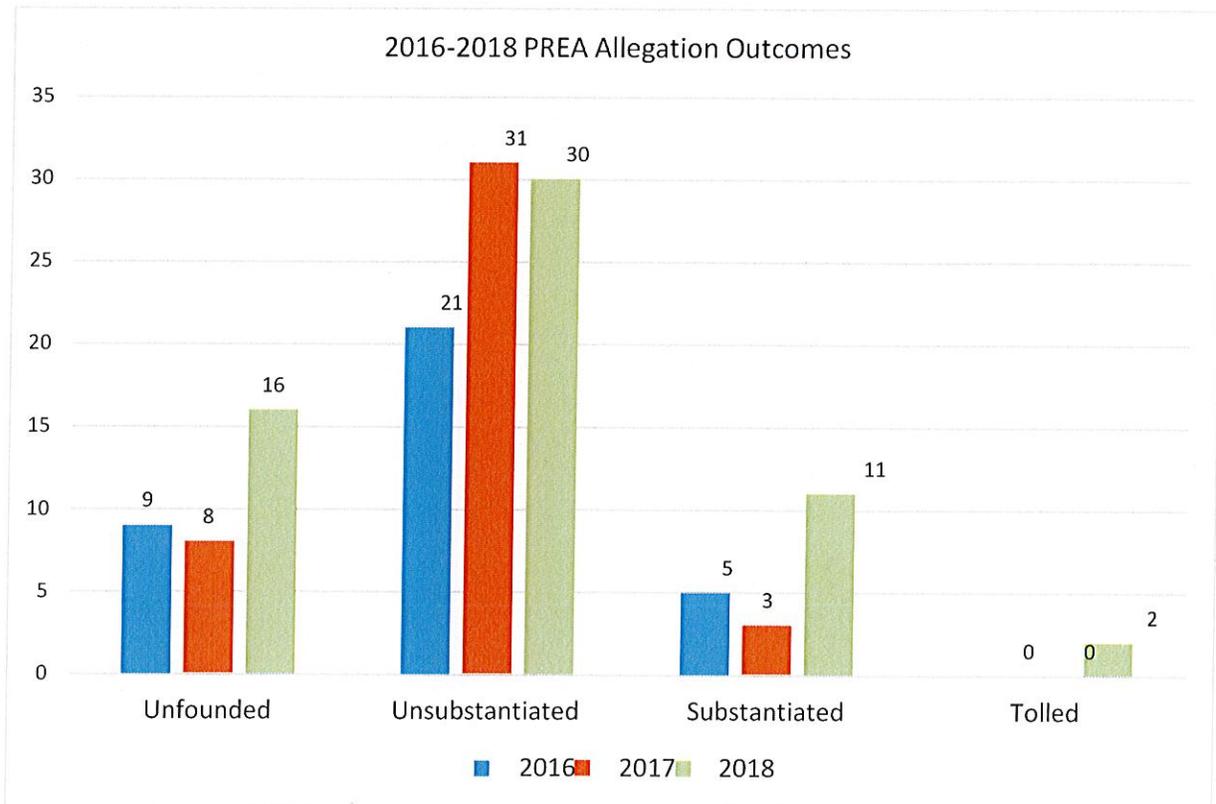
- Substantiated - The allegation was investigated and determined to have occurred.
- Unsubstantiated- The allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Unfounded - The allegation was investigated and determined not to have occurred.

PREA Allegation Outcomes

The following three (3) graphs represent a comparison of reported incidents of sexual abuse and sexual harassment from 2016, 2017 and 2018 by the final disposition, to include those investigations that are still pending (Tolled) as of September 16, 2019.



The following graph summarizes the overall findings of the investigated PREA allegations from 2016, 2017 and 2018:



2018 Substantiated Incidents

There were eleven (11) substantiated allegations in 2018. Eight (8) of these allegations involved inmate on inmate sexual harassment and three (3) involved inmate on inmate sexual abuse.

There were no substantiated allegations of sexual harassment or sexual misconduct involving staff in 2018.

Ongoing Efforts

Sexual Abuse Incident Reviews

The Orange County Corrections Department conducts Incident Reviews on all allegations of sexual abuse (inmate on inmate) or staff sexual misconduct that are either substantiated or unsubstantiated, as required by the PREA Standards (115.86). These reviews are conducted by a multi-disciplinary team comprised of the PREA Compliance Manager (Facility Captain), a line supervisor, Internal Affairs (IA) Investigator, Medical staff and the PREA Coordinator. This review team evaluates the circumstances of each incident and makes recommendations for changes to either policy or practice in order to better prevent, detect or respond to sexual abuse. The team also evaluates staffing levels at the time of the incident; if the incident was motivated by any group dynamics; assesses the adequacy of the monitoring technology; and determines if there were physical barriers in the area that enabled the abuse.

There were no patterns or motivations identified in the reviews that were conducted in 2018. We did add some verbiage to the Inmate Handbook (Sexual Assault Awareness section) emphasizing that inappropriate behavior will not be tolerated and will result in disciplinary action. In addition, there was a recommendation that an assessment be conducted regarding the addition of video monitoring in the kitchen's walk in freezer.

Risk Assessment and Screening

The Department has recently enhanced the risk assessment instrument utilized to identify potential victims and predators, as well as the process for keeping them separate. The screening process will be monitored and ongoing training and education with staff will be conducted. This will ensure the information is utilized to keep inmates at high risk of being sexually victimized separated from those at high risk of being sexually abusive, in accordance with the PREA Standards.

Training and Education

Training and education are critical components to the prevention of sexual abuse. A computer-based training on PREA is mandatory for all staff to complete on an annual basis and includes information on the Department's zero tolerance policy and staff's responsibilities regarding the prevention, detection, reporting and response to sexual abuse and sexual harassment. In addition, an overview of this information is also provided in the New Employee Orientation, which is mandatory for all newly hired staff.

We are currently reviewing our computer-based presentation to enhance it and are discussing options for classroom training as part of the Professional Development Curriculum for 2020.

Policy Development

The Department has developed a Transgender/Intersex policy and as part of this policy, a case conference will be held for each inmate booked into our facility that identifies as Transgender or Intersex. The committee includes Security, Medical/Mental Health and Classification staff. They will review each case and make recommendations on the most appropriate housing to meet the security, programming, treatment and medical needs of inmates incarcerated in the Orange County Jail. With the implementation of this policy, training will be developed to ensure staff awareness and adherence.

Goals and Objectives

In June of this year the PREA Coordinator and the Policy, Accreditation and Compliance Unit (PACU) Supervisor attended *PREA Implementation and Audit Preparedness Training* provided by the PREA Resource Center. This training was instrumental in identifying opportunities to continue our efforts in providing a safe correctional system for inmates committed to our custody.

Department of Justice PREA Audit

In June of 2017, Orange County Corrections completed the first PREA Audit and was found to be in compliance with all standards. Based on the established three (3) year cycle, we are currently in the process of preparing for our next audit, which is scheduled for March of 2020.

Conclusion

The Orange County Corrections Department remains firmly committed to adhering to the PREA Standards and making necessary adjustments on an on-going basis in order to maintain compliance with the requirements. Additionally, OCCD is committed to operating a safe and secure correctional system and ensuring the safety and well-being of all inmates in our care.



Louis A. Quiñones, Jr., Chief
Orange County Corrections Department

1/29/2020
Date

Attachment A

Sexual Abuse Definitions

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 annual 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.

Inmate 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 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 visitor). Include - Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.