

Orange County Corrections Prison Rape Elimination Act Annual Report



2017

Submitted by: Ellen Ritten / PREA Coordinator

May 10, 2018

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.*

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.

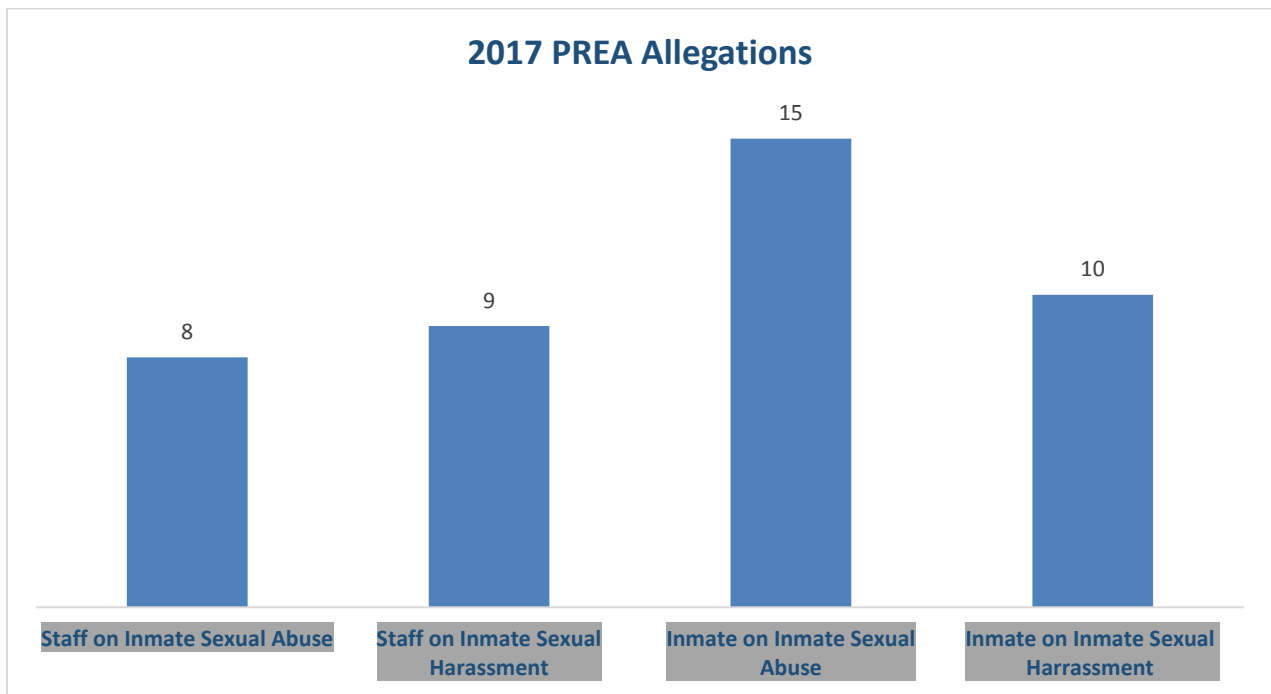
(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

Collected Data

2017 PREA Incidents

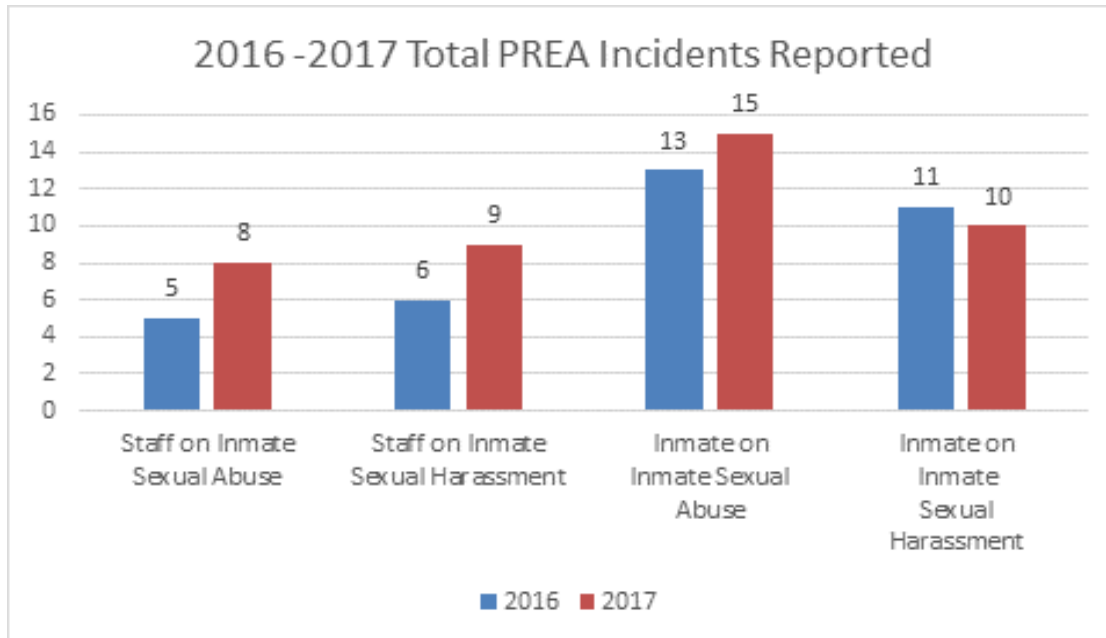
The Orange County Corrections Department collects data from the referrals for investigations of sexual abuse/misconduct and sexual harassment, to include both inmate on inmate and staff on inmate allegations.

The following graph indicates a breakdown of the sexual abuse and harassment allegations from 2017, which includes a total of forty-two (42) reported incidents.



Comparison of Reported Incidents

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



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

2017 = 2497

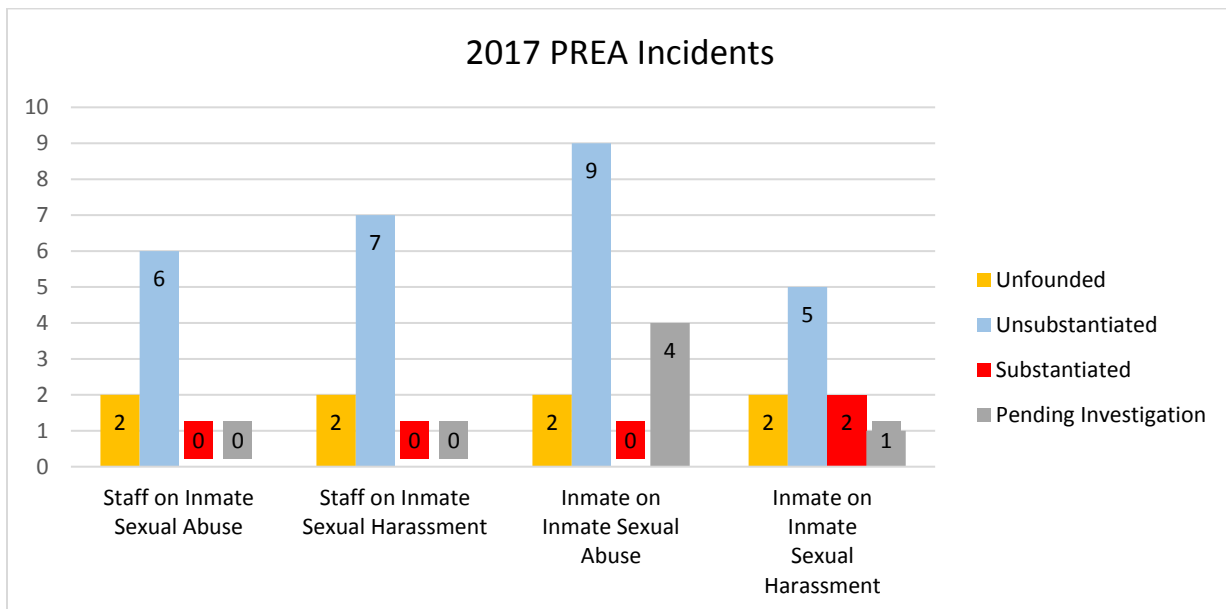
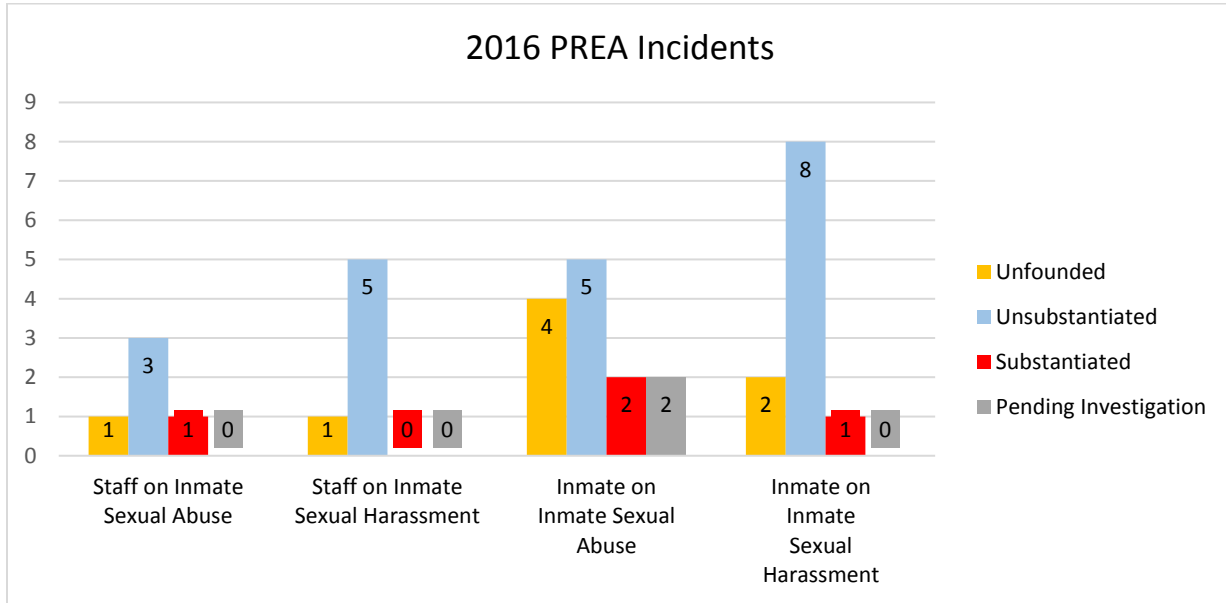
There was a slight increase in the number of reported incidents in 2017 from the previous year. This increase may be explained by the Department's ongoing efforts to ensure every incident is reported and thoroughly investigated.

Incident Findings

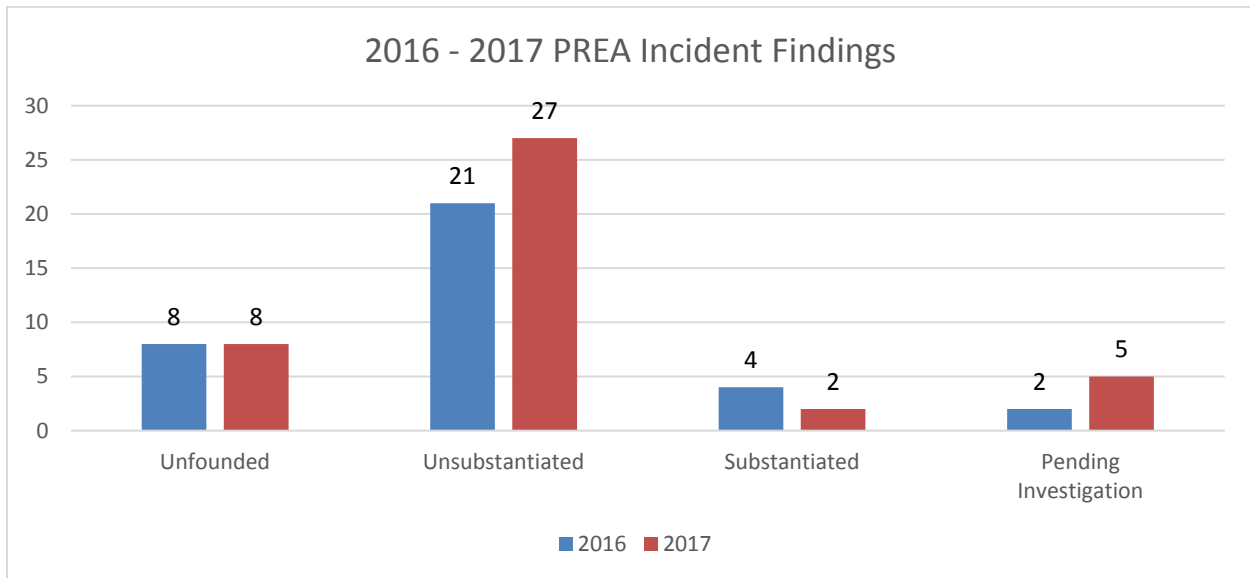
At the conclusion of an Internal Affairs investigation, a finding is determined based on the facts of the case. The incident findings as defined in the PREA Standards are as follows:

- 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.

The following two (2) graphs represent a comparison of reported incidents of sexual abuse/sexual harassment from 2016 and 2017 by the final disposition, to include those investigations that are still pending as of May 1, 2018.



The following graph summarizes the overall findings of the investigated incidents from 2016 and 2017:



2017 Substantiated Incidents

To date, there have been two (2) substantiated incidents from 2017. Both allegations involved inmate on inmate sexual harassment.

- Incident # 17-0105-032
The victim reported being sexually harassed by another inmate and was corroborated by witness statements.
- Incident # 17-0713-236
The victim reported being sexually harassed by another inmate, who admitted to the allegations.

Ongoing Efforts

Sexual Abuse Incident Reviews

The Orange County Corrections Department conducts Sexual Abuse 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 2017 and no corrective action plans were developed based on these reviews.

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.

The agency will continue to provide on-going training for staff and a block of training on PREA is included in the 2018 Supervisor's training to reinforce this information.

Risk Screening and Assessment

The Department is enhancing the objective screening instrument utilized to identify potential victims and predators. This will include ongoing training and education with staff to ensure they understand the assessment process and utilize the information with the goal of keeping separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, in accordance with the PREA Standards (115.41 and 115.42).

Policy Development

The Department is developing a LGBTI/Transgender policy to ensure the appropriate classification, housing, treatment, safety, security, and medical needs of LGBTI inmates incarcerated in the Orange County Jail. In conjunction with the implementation of this policy, additional training for staff will be developed.

Department of Justice PREA Audit

In November of 2016, certified PREA Auditor Hubert L. Kent completed a 3 day on site audit. The audit included a tour of the entire facility. During the tour, the auditor reviewed staffing, logs, physical plant, sight lines, camera coverage and tested the phone system for reporting allegations and facility operations. Following the tour, the auditor conducted staff and inmate interviews, a review of investigations, and random checks of personnel, medical and training records.

The auditor could not provide a final finding at that time, but did return to the facility in June of 2017. A final report was submitted on June 8, 2017, indicating that the agency was in full PREA compliance, meeting or exceeding all of the applicable standards. Orange County Corrections will be required to complete the next audit by August 2020.

Conclusion

The Orange County Corrections Department (OCCD) 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 incarcerated inmates.