

# **FRESNO COUNTY SHERIFF'S OFFICE**



## **PRISON RAPE ELIMINATION ACT ANNUAL STATISTICAL REPORT 2020**

**Margaret Mims, Sheriff**

## **Background**

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. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. The Fresno County Sheriff's Office has adopted a zero tolerance on issues pertaining to sexual abuse and sexual harassment involving staff and inmates and is working continuously to implement new policies, 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 related incidents. The Fresno County Sheriff's Office is committed to reviewing PREA incidents from multiple perspectives including: training, policies, procedures, staffing, facility construction and surveillance technology use with the ultimate goal of identifying problem areas, applying appropriate corrective solutions to make improvements.

The Sheriff, in her continuous efforts to improve organizational transparency, is 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 required by the United States Department of Justice. The collection of data includes all inmate-on-inmate and staff-on-inmate incidents related to: *nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct and staff sexual harassment*. The Sheriff's Office believes that by providing this information to the public, it will clearly show the amount 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 two (2) 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 the survey, 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 slightly.

**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 the survey, 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:**

### **Substantiated**

The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

### **Unsubstantiated**

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

### **Unfounded**

The investigation determined that the event did NOT occur

### **Investigation ongoing**

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

The Jail's Compliance Services Unit and the Internal Affairs Unit have been tasked with collecting, identifying, tracking, and reporting of any incident as defined above. The first part of this report contains statistical information from jail generated incident reports. The Fresno County Sheriff's Office Sex Crimes Unit is responsible for conducting comprehensive sex crime investigations of the detention facilities within the Fresno County Sheriff's Office.

The second part of this report contains statistical information from the Internal Affairs Unit. Internal Affairs is the central controlling point for investigating complaints of alleged employee misconduct. The Internal Affairs Unit prides itself in its ability to conduct fair, thorough and impartial internal investigations. This collection of data includes the number, types and disposition of investigations. The Sheriff's Office believes that by also providing this information to the public, it will clearly show that the Sheriff holds her personnel accountable for their actions.

These findings are published annually and posted to the Sheriff's web site. They are also available for review at the Fresno County Sheriff's Office, 2200 Fresno Street, Fresno, CA 93721.

Inmate-on-Inmate Sexual Victimization		2020	2019	2018	2017	2016	2015	2014	2013
<b>Nonconsensual Sexual Acts</b>	Investigation Ongoing	0	0	0	0	0	0	0	0
	Substantiated	0	1	0	0	0	0	1	2
	Unfounded	16	21	24	13	7	0	5	0
	Unsubstantiated	0	0	2	7	3	6	7	4
	<b>Total</b>	<b>16</b>	<b>22</b>	<b>26</b>	<b>20</b>	<b>10</b>	<b>6</b>	<b>13</b>	<b>6</b>
<b>Abusive Sexual Contact</b>	Investigation Ongoing	0	0	0	0	0	0	0	0
	Substantiated	0	0	0	0	0	2	1	1
	Unfounded	0	0	0	4	6	4	3	4
	Unsubstantiated	0	0	0	0	0	1	4	6
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>11</b>
<b>Sexual Harassment</b>	Investigation Ongoing	0	0	0	0	0	0	0	0
	Substantiated	0	0	0	0	0	0	1	0
	Unfounded	0	0	2	0	0	0	1	2
	Unsubstantiated	0	0	0	0	0	2	2	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>2</b>
<b>Grand Total</b>		<b>16</b>	<b>22</b>	<b>28</b>	<b>24</b>	<b>16</b>	<b>15</b>	<b>25</b>	<b>19</b>

Staff-on-Inmate Sexual Abuse		2020	2019	2018	2017	2016	2015	2014	2013
<b>Staff Sexual Misconduct</b>	Investigation Ongoing	0	0	0	0	0	0	0	0
	Substantiated	0	0	0	0	0	0	1	1
	Unfounded	0	0	0	0	1	1	0	0
	Unsubstantiated	0	0	1	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>Staff Sexual Harassment</b>	Investigation Ongoing	0	0	0	0	0	0	0	0
	Substantiated	0	0	0	0	0	0	0	0
	Unfounded	0	0	0	0	0	0	0	0
	Unsubstantiated	0	0	0	0	0	0	0	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>		<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

# REVIEW FOR CORRECTIVE ACTION 2020

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based upon statistical data, the Sustained victimization rate for all categories in 2020 was ZERO. There are no obvious problem areas that are not already being addressed through our efforts to maintain compliance with PREA standards. This includes improved inmate education, new surveillance cameras, and improved relationships with stakeholders.

The Jail Medical & Services Bureau has a designated PREA Coordinator who is responsible to oversee the department's efforts to comply with PREA standards. There is also a designated PREA Compliance Manager who serves as the point of contact within the Sheriff's Office for all PREA-related issues and is responsible for the day-to-day compliance with PREA. The PREA Compliance Manager is responsible to review all reports and allegations of sexual abuse and refer those allegations for investigation, as appropriate. Facility Sergeants ensure compliance with policy and PREA in each of their respective assigned facilities. The Sergeants assist in monitoring the conduct and treatment of inmates who have reported sexual abuse and assist in the implementation of any corrective action plan.

All staff, contracted employees, and volunteers receive training on PREA in hours commensurate with their level of inmate contact. Correctional officers receive training during orientation, the Academy, and annual refresher training.

Inmates are given verbal and written instructions as to the resources they have available while incarcerated in the Fresno County Jail at the time of booking. Each new arrival is given an Inmate Orientation Handbook that includes information on how to avoid sexual assault, what to do in case of assault, how to report sexual assault (including free, confidential telephone numbers), and the availability of counseling programs.

Videos are shown on the televisions to inform inmates as to what resources they have at their disposal to report sexual victimization instances and how to get help. These videos are scheduled by the Offender Programs Manager and are shown weekly, according to schedule:

Female Housing Units: Mondays (in English)

Male Housing Units: Tuesdays (in English)

Male and Female Housing Units: Thursdays (in Spanish)

Posters are displayed in each housing unit and all common areas throughout the facilities describing the resources that are at the inmates' disposal. The posters include telephone numbers and addresses for outside support agencies. Telephone calls are free, confidential, and are not monitored or recorded.

The Jail Division provides high levels of supervision and monitoring of the inmates in order to provide them the protection they deserve. Additional cameras were installed in all three facilities (Main Jail, South Annex Jail and the North Annex Jail) to increase and supplement supervision of the inmates when staff isn't inside the housing units conducting security and safety checks.

MOU's for SAFE/SANE exams as well as the local crisis call center are in the process of being updated and renewed.

The Fresno County Sheriff's Office will continue to make appropriate changes where necessary to ensure inmates are safe and secure, while maintaining a zero-tolerance culture for all forms of sexual abuse and sexual harassment.

## AUDIT

In August 2016, the Jail facilities underwent an on-site audit, as required by PREA standards. The auditor found that “agency leadership and staff have clearly made PREA compliance a high priority and have devoted a significant amount of time and resources to policy development, training of staff and education of inmates.” Suggestions made by the auditor and corrective actions implemented, include:

- The addition of cameras to identified blind spots.
- The implementation of a PREA Notification & Acknowledgement form that new arrivals receive, explaining the Sheriff’s zero tolerance policy, and the multitude of ways that a sexual assault incident can be reported.
- Additional postings of PREA Sexual Assault informational flyers in all three facilities (e.g., court holding, visiting, and other common areas), in addition to the housing units.
- Minor verbiage changes and additions to existing policy.

The final report was issued in August 2017 and the Sheriff’s Office received a “full compliance” rating. The final report is available to the public and published on the Sheriff’s website.

PREA regulation 28 CFR 115.401 requires an agency audit once every three years. In July of 2020 the initial audit was conducted. Jail management staff is currently addressing corrective actions implemented by the PREA auditor. The final report is anticipated to be completed and issued in May of 2021.

Prepared by the Fresno County Sheriff’s Office  
Compliance Services Unit