

Orange County Corrections Prison Rape Elimination Act Annual Report



2019

Submitted by: Tris James, PREA Coordinator

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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 involving alleged incidents of sexual harassment or sexual abuse in correctional facilities.

The mission of Orange County Corrections Department is to ensure alignment with PREA Standards. The department is committed to operating a safe and secure correctional facility, while delivering quality programs and services through dedicated partnerships, to ensure the dignity and respect for the inmates in our custody and our staff is maintained.

Purpose:

Pursuant to 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 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:

- Identifying problem areas;
- Taking corrective action on an on-going basis; and
- 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.

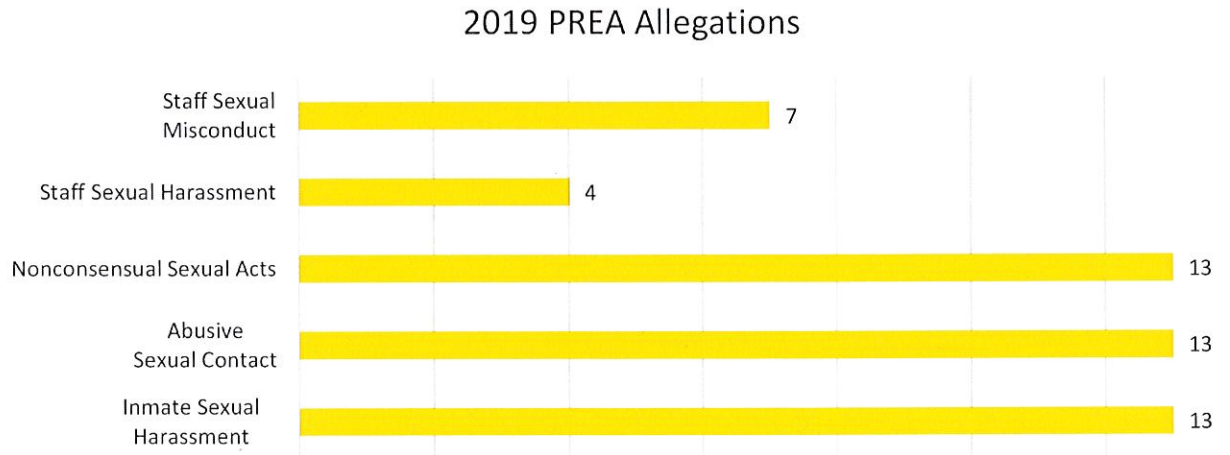
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Collected Data

2019 Allegations of Sexual Abuse and Sexual Harassment:

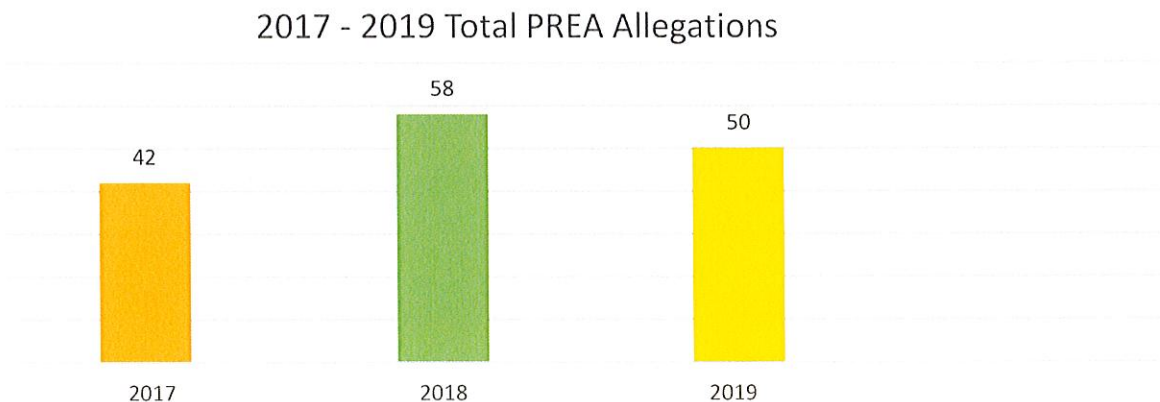
The Orange County Corrections Department collects data from reports of sexual abuse and sexual harassment, to include both inmate and staff offenders. All allegations are referred to the Internal Affairs Unit to be investigated and the outcome of these investigations is included in the data that is collected and reported.

The following graph indicates a breakdown of the sexual abuse and sexual harassment allegations that were reported in 2019, which includes a total of fifty (50) incidents. (See Attachment "A" Definitions)



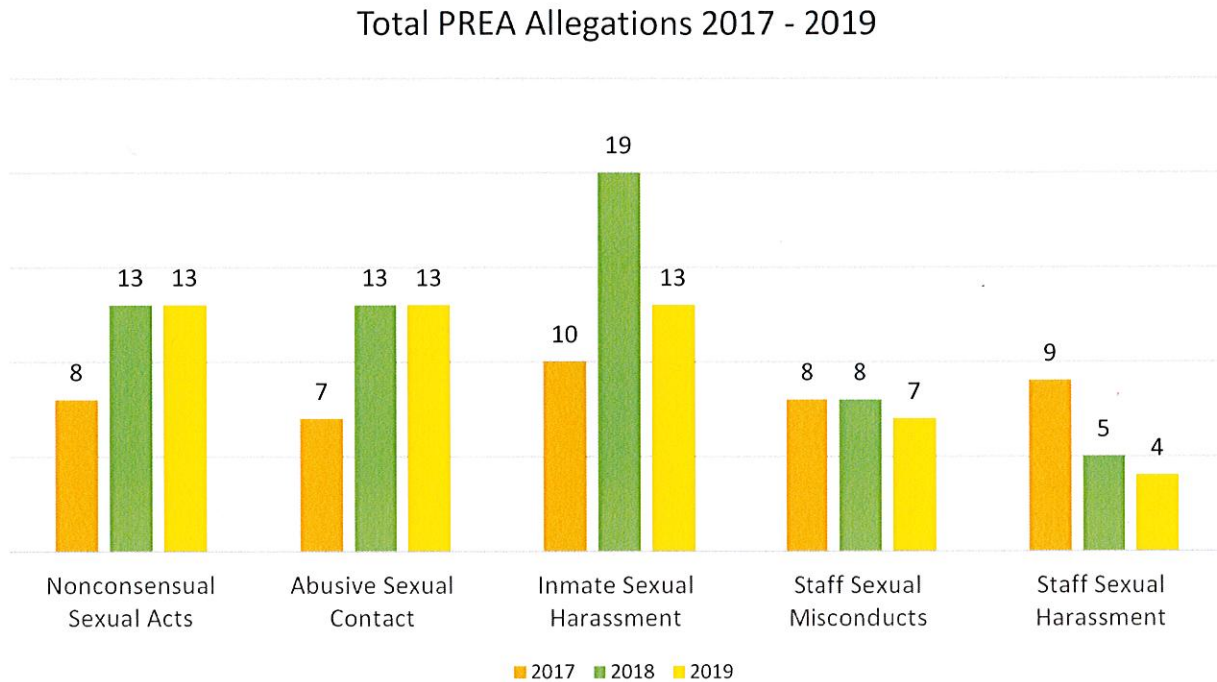
Comparison of Reported PREA Allegations 2017-2019:

The following graph indicates a comparison of total sexual abuse and sexual harassment allegations from 2017- 2019:



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The following graph compares the total number of reported incidents from 2017 (42), 2018 (58), and 2019 (50) by the type of allegation.



The Average Daily Population:

2017 = 2497
2018 = 2632
2019 = 2484

There were fewer reported incidents in 2019 than in the previous year. This is likely accredited to the efforts of the Department to maintain and continually encourage a reporting culture for both staff and inmates. Through extensive training and education, we continue to stress the importance of reporting sexual abuse and sexual harassment and have provided inmates with several 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:

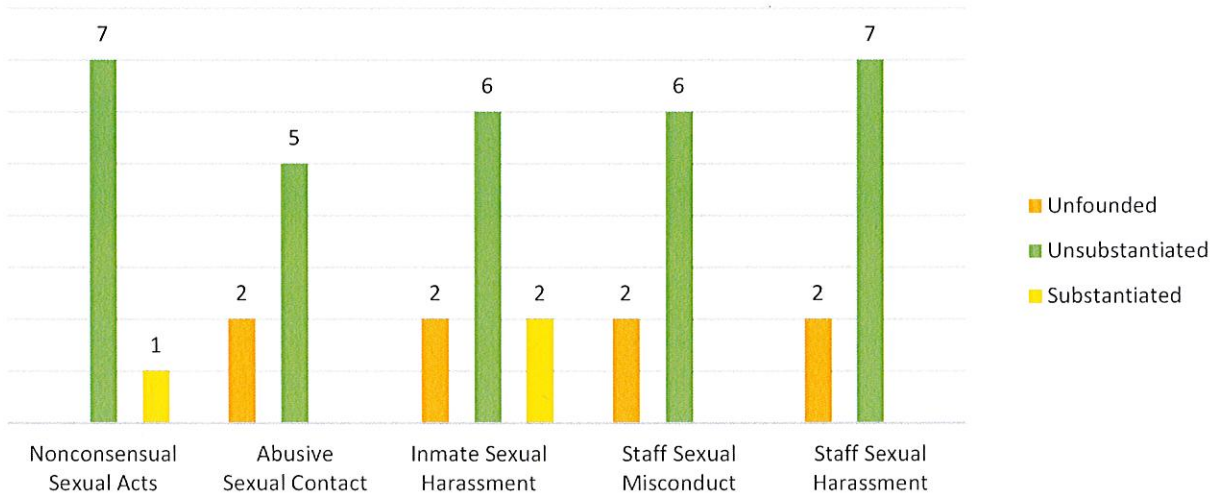
- Substantiated: The allegation was investigated and determined to have occurred.
- Unsubstantiated: The allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Unfounded: The allegation was investigated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

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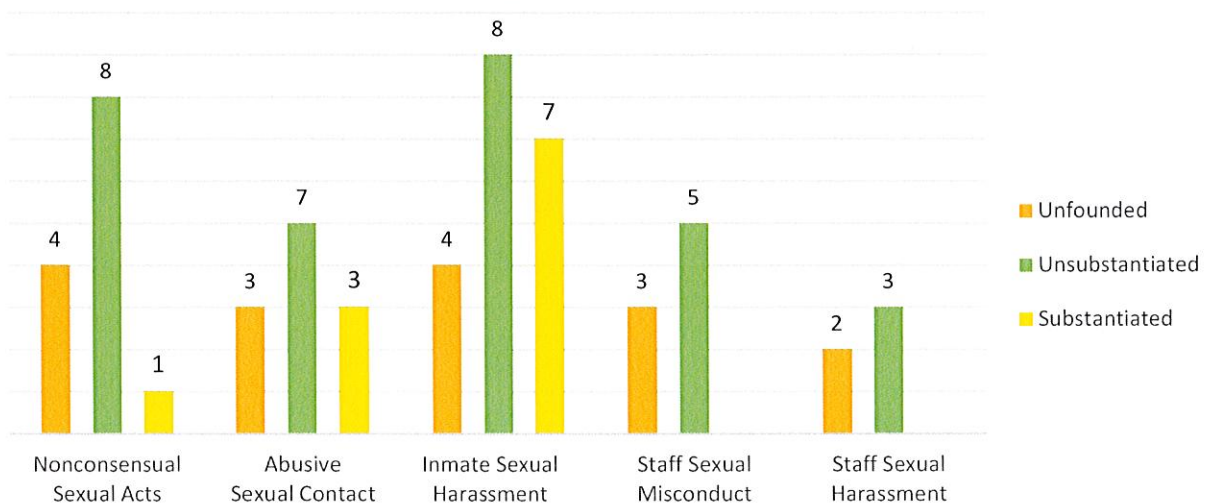
PREA Allegation Outcomes:

The following three (3) graphs represent a comparison of reported incidents of sexual abuse and sexual harassment from 2017, 2018 and 2019 by final disposition. The 2018 Annual Report documents (2) tolled investigations. One investigation was determined to be substantiated and the second case was determined to be unsubstantiated.

2017 PREA Allegation Outcomes

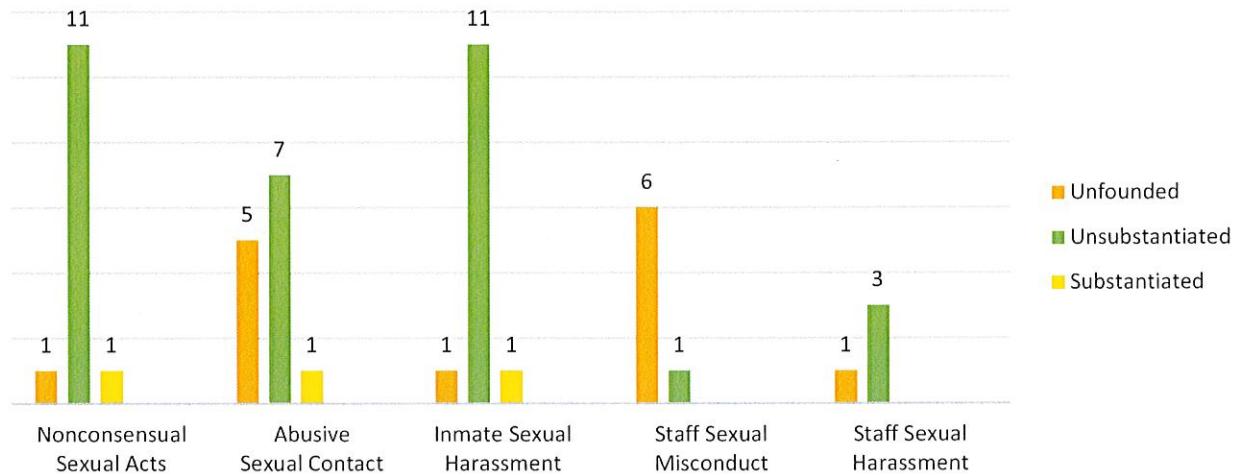


2018 PREA Allegations Outcomes



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2019 PREA Allegations Outcomes



2019 Substantiated Incidents

There were three (3) substantiated allegations in 2019 and all of them involved inmate offenders. These allegations included one (1) for sexual harassment, one (1) for abusive sexual contact and one (1) for non-consensual sexual acts. There were no identified patterns of abuse regarding location or inmate identifiers.

There were no substantiated allegations of sexual harassment or sexual misconduct involving a staff member in 2019.

Ongoing Efforts

Sexual Abuse Incident Reviews:

The Orange County Corrections Department conducts Incident Reviews on all substantiated or unsubstantiated investigations of sexual abuse (inmate on inmate) or staff sexual misconduct, 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 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; whether or not the incident was motivated by any group dynamics; review the adequacy of the monitoring technology; and determine if there were physical barriers in the area that enabled the abuse.

For the Sexual Abuse Incident reviews that were conducted in 2019, there were no patterns or motivations identified. In addition, staffing and monitoring technology were deemed to be both appropriate and adequate.

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Risk Assessment and Screening:

The Department recently enhanced the risk assessment process of identifying potentially vulnerable and potentially aggressive inmates in order to keep them separate in general population. The screening process will continue to be monitored so improvements can be made as necessary. 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.

A computer-based presentation was developed to educate staff on the importance of the risk screening and the process conducted by the Classification staff. The computer based training was mandatory for staff to complete in 2019 and was going to be part of the classroom training for the 2020 training program. The classroom training was disrupted by COVID-19, however, it was included as part of the virtual training that all staff are required to complete. Additional training opportunities will continue to be evaluated, as it is imperative for staff to understand the important role they play in ensuring sexual safety in our facility.

Improvements and Policy Development:

In 2019, the PREA Coordinator and the PACU Sergeant attended Audit Preparedness training sponsored by the PREA Resource Center, which was invaluable in preparing for our audit. The Department also conducted an internal audit with the assistance of a Certified PREA Auditor from another agency. Both of these assisted with identifying several procedural changes that were implemented to enhance our compliance with the standards. For example, we identified Creole and Portuguese as the most common languages (other than English and Spanish) of the inmates booked into our facility and have obtained additional translation material regarding our zero tolerance policy in those languages, as well as braille for our vision impaired inmates.

The Department will continue to focus on policy development and enhancement of procedures for protecting inmates in our custody from sexual abuse and sexual harassment.

Goals and Objectives:

We will continue to identify opportunities to provide additional training and education to our staff to ensure they understand their role in protecting inmates from sexual abuse and sexual harassment. In addition, we will remain dedicated to find ways to enhance our efforts in providing a safe correctional system for inmates committed to our custody.

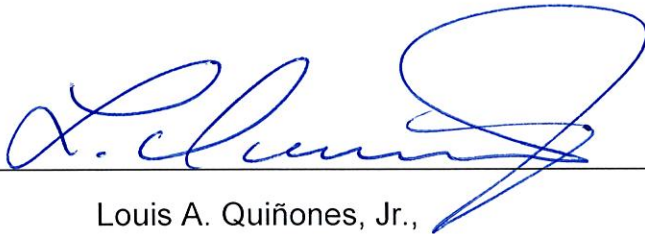
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Department of Justice PREA Audit

Based on the established three (3) year cycle, we were scheduled to have our second audit in March of 2020. However, due to the COVID-19 pandemic, we have been required to postpone the audit, which has been re-scheduled for November 2-6, 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, the department is committed to operating a safe and secure correctional facility and ensuring the safety and well-being of all inmates in our care.



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


Date

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Attachment A

General Definitions

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.

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.

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.

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.