

Sonoma County Probation Department

Institutions Branch, Juvenile Division

Prison Rape Elimination Act (PREA) Annual Report 2017

BACKGROUND

In 2003, the Federal Prison Rape Elimination Act passed, and following the development of Juvenile Facility Standards in June of 2009, the act became effective on August 20, 2012. The act is intended to "...provide for the analysis of the incidence and effects of prison rape in federal, state and local institutions..." (Prison Rape Elimination Act, 2003).

PREA STANDARDS

The Sonoma County Probation Department is dedicated to maintain a culture that promotes and supports the rights of detained youth to be free of sexual abuse and/or sexual misconduct. The Department has a policy mandating a zero tolerance for any form of sexual activity between staff, contractors, or volunteers with residents, or any sexual activity between residents regardless of consent status. Disciplinary actions for violations of the Department policies related to sexual misconduct will be commensurate with the nature and circumstances of the acts committed, ranging from administrative sanctions to criminal prosecution.

The Sonoma County Probation Department has designated the Juvenile Division's Deputy Chief as the PREA Coordinator, and the Juvenile Hall and Probation Camp Directors as PREA Compliance Managers for their respective facilities. These managers work together to coordinate efforts to comply with PREA standards and show that the standards are integrated and followed in both detention facilities.

The Sonoma County Probation Department has a Staffing Plan that complies with the mandated staffing ratios specified by the California Board of State and Community Corrections. The plan includes enhanced use of video monitoring to protect residents against sexual abuse. The Staffing Plan is reviewed annually to assess whether plan modifications including added technology and/or policy changes are necessary to enhance prevention of sexual abuse in the detention facilities. During this review, PREA Compliance Managers review staffing patterns, assess reports of misconduct and evaluate the effectiveness of the facility's video monitoring system.

TRAINING AND EDUCATION

During the intake process at the Juvenile Hall, youth are assessed for risk of sexual victimization and/or for potential abuse of others. Juvenile Correctional Counselors use this information, along with the resident's history of delinquency, and past victimization, to determine the best possible housing assignment within the facility. When booked into the Hall, and prior to their transfer to a housing unit, residents are informed of the facility's zero tolerance of sexual misconduct and their rights to be free of sexual abuse. Residents are educated about the several ways to report an allegation of sexual misconduct/abuse, which can be communicated to staff, through a third party, directly to law enforcement, or to the Sonoma County Rape Crisis line. In 2017, PREA pamphlets, written in both English and Spanish, were developed for both detention facilities, and clarify the resident's right to be free from sexual abuse. The pamphlets also provide guidance in how to avoid being a victim, and the mechanisms to report abuse.

Upon arrival at the Probation Camp, residents are re-educated regarding the zero tolerance policy of sexual misconduct, and youth coming from contract counties are educated about the policy, their right to be free of sexual abuse, and the ways to report an allegation of sexual abuse.

All detention staff receive an initial PREA training during New Employee Orientation and a comprehensive PREA training within one year of employment. The PREA training covers response protocols, prevention and detention strategies, and guidance on maintaining respectful and professional relationships.

Non-sworn staff from partner agencies who work in Sonoma County detention facilities, including teachers from Sonoma County Office of Education, employees of Sonoma County Health Services, contract service providers and volunteers are provided training on the Department's zero tolerance policy for sexual abuse, the requirement for mandatory reporting of suspicion or allegation of sexual abuse, and resident and staff behaviors often associated with sexual abuse. In 2017, all volunteers and contractors entering the facilities were provided PREA training in compliance with 28 CFR 332.

RESPONSE PLANNING

In order to ensure uniform investigative protocols, allegations of sexual abuse at both the Hall and Camp are conducted by the Santa Rosa Police Department (Juvenile Hall) and the Sonoma County Sheriff's Office (Probation Camp). These agencies are members of the Sonoma County Sexual Abuse Response Team (SART) and their roles and responsibilities are defined in a Memorandum of Understanding between Sonoma County Law Enforcement agencies, and Public Health Special Clinical Services. Responding law enforcement have been trained through the California Clinical Forensic Medical Training Center (CCFMTC) and medical exams are conducted by Sexual Abuse Nurse Examiners (SANE) at the Redwood Children's Center (RCC). The County's SART response includes victim advocacy through a local non-profit, Verity, which provides support and counseling services to victims of sexual abuse.

INVESTIGATIVE FINDINGS

Following investigation of an allegation of sexual abuse, the results are reported using the following findings:

Sustained: The investigation finds that by a preponderance of evidence the act did occur and constitutes a specific act in violation of law, regulation, or policy of the Department or County.

Not Sustained: The investigation cannot prove or disprove the allegations by a preponderance of the evidence.

Unfounded: The investigation clearly established that the allegation is not true.

PREA DEFINITIONS

A. **Sexual Harassment:** (1) Repeated and unwelcome sexual advances, requests for

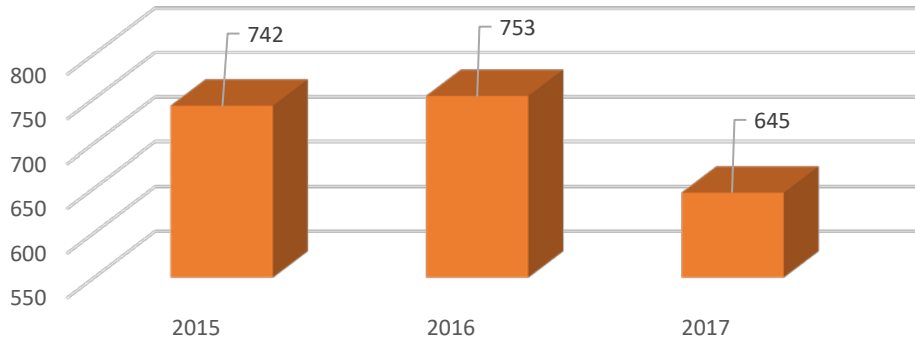
sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and (2) repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

- B. Sexual Misconduct:** Behavior or sexual act directed toward a justice-involved individual by an employee, volunteer, contractor, official visitor, or agency representative. Misconduct includes romantic or sexual relationships including:
- i. Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire.
 - ii. Completed, attempted, threatened, or requested sexual acts.
 - iii. Occurrences of indecent exposure.
 - iv. Staff voyeurism.
- C. Sexual Abuse:** Where the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent to or refuse:
- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
 - ii. Contact between the mouth and the penis, vulva, or anus.
 - iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
 - iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation.
 - v. Additionally, in regards to staff, contractors, or volunteers as the perpetrators:
 - a) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
 - b) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident.

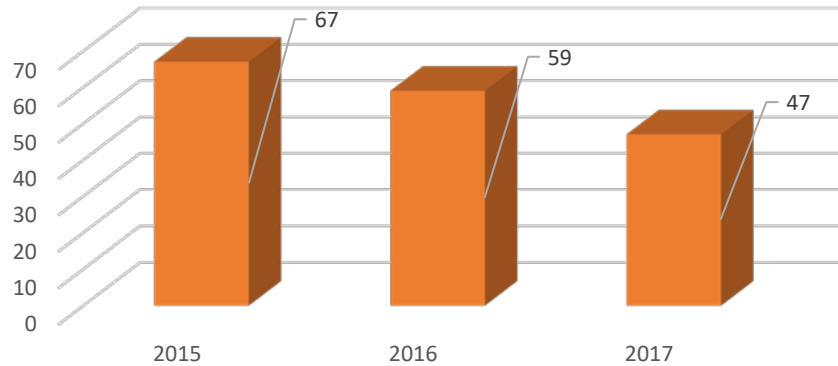
YEAR TOTAL AND AVERAGE DAILY POPULATION

JUVENILE HALL			
	2015	2016	2017
Youth Admitted	742	753	645
Average Daily Population - <u>Male</u>	52	48	39
Average Daily Population - <u>Female</u>	15	11	8
Average Daily Population - TOTAL	67	59	47
PROBATION CAMP			
	2015	2016	2017
Youth Admitted	26	35	32
Average Daily Population - <u>Male</u>	12	11	13
Average Daily Population - TOTAL	12	11	13

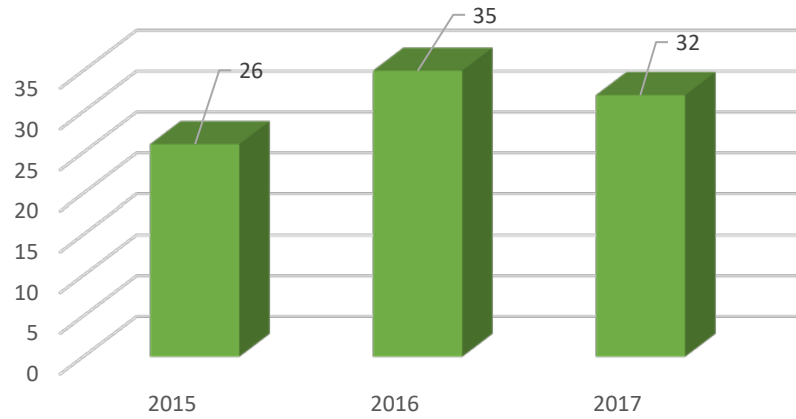
Juvenile Hall Total Youth Admitted 2015 - 2017



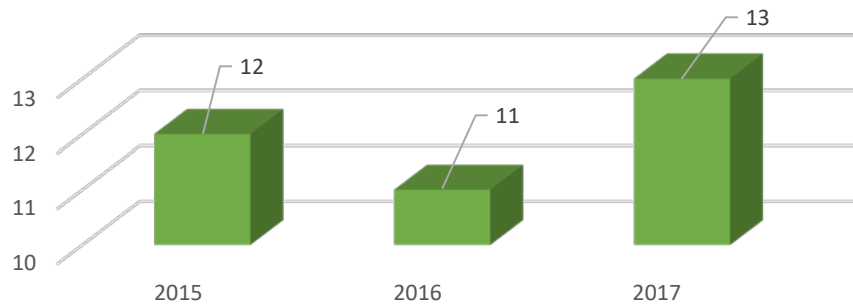
Juvenile Hall Average Daily Population 2015 - 2017



Probation Camp Total Youth Admitted 2015 - 2017



Probation Camp Average Daily Population 2015 - 2017



	2015	2016	2017
Sustained	0	0	0
Not Sustained	0	0	0
Unfounded	0	0	0
Still Under Investigation	0	0	0

**Reports of Youth on Youth
Incidents of Sexual Abuse
2015—2017**

	2015	2016	2017
Sustained	0	0	0
Not Sustained	0	0	0
Unfounded	0	0	0
Still Under Investigation	0	0	1

**Reports of Staff Sexual Misconduct
Juvenile Hall and Probation Camp
2015—2017**