

# SAN MATEO COUNTY SHERIFF'S OFFICE



## PRISON RAPE ELIMINATION ACT

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### ANNUAL REPORT

2020

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BRENDAN MAGUIRE  
CORRECTIONAL FACILITY

300 BRADFORD STREET  
REDWOOD CITY, CALIFORNIA

MAPLE STREET  
CORRECTIONAL CENTER

1300 MAPLE STREET  
REDWOOD CITY, CALIFORNIA

## INFORMATION SUPPLIED BY

- Rape Trauma Services
- San Mateo County Sheriff's Office Program Services Bureau
- The Service League of San Mateo
- San Mateo County Sheriff's Office Records
- San Mateo County Correctional Health Services

## BACKGROUND

The Prison Rape Elimination Act (PREA) passed in 2003. The Act is intended to, "...provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals..." (Prison Rape Elimination Act, 2003).

The National Prison Rape Elimination Commission formed shortly after the passage of the Act, developed national standards for all adult and juvenile correctional facilities. The Commission's *National Standards to Prevent, Detect, and Respond to Prison Rape*, became effective on August 20, 2012.

## PREA STANDARDS OVERVIEW

The PREA standards are organized into 11 categories:

- Prevention Planning;
- Responsive Planning;
- Training and Education;
- Screening for Risk of Sexual Victimization and Abusiveness;
- Reporting;
- Audits;
- Official Response following a Resident Report;
- Investigations;
- Discipline;
- Medical and Mental Health Care;
- Data Collection and Review

There are approximately 180 separate provisions within the PREA standards. Each provision can contain multiple requirements and extensive documentation totaling 455. The most substantial requirement is that the Sheriff's Office must provide evidence that efforts are integrated and practiced within the culture of the agency. To obtain this evidence, the PREA auditor incorporates state/local inspections and reviews, and observations and interviews with staff, inmates, and administration.

## ZERO TOLERANCE POLICY

It is the mission of the San Mateo County Sheriff's Office to provide a healthy, safe, and secure environment in our facilities and programs. Zero tolerance means that through policy and practice, the Sheriff's Office will not tolerate any form of sexual misconduct. This includes any sexually inappropriate behavior between staff, contractors, volunteers, and inmates; and any sexual activity between inmates regardless of consent. All such sexually inappropriate behavior is prohibited and maybe subject to administrative and/or criminal sanctions.

To assist with enforcement of PREA standards and the Zero Tolerance Policy, the Sheriff's Office appointed a PREA Coordinator. The Sheriff's Office also designated a PREA Administrator at both adult correctional facilities to ensure PREA compliance.

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## **PREA DEFINITIONS**

### **Sexual Abuse-Abusive Sexual Contact**

Contact of any person without his or her consent, or by coercion, or contact 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.

### **Sexual Abuse-Nonconsensual Sex Acts**

Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse and contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

### **Sexual Harassment by an Offender**

This includes; repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

### **Staff Sexual Harassment**

This includes; repeated verbal comments of a sexual nature to any staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive, explicit sexual stories or jokes, or gestures or derogatory comments about body or clothing, or obscene language or gestures.

### **Staff Sexual Misconduct**

Any threatened coerced, attempted, or completed sexual contact, assault or battery between staff and offenders. Any sexual misconduct by staff directed toward an offender, as defined in California Code of Regulations (CCR), Title 15, Division 3 Section 3401.5 and Penal Code (PC) Section 289.6. The legal concept of "consent" does not exist between staff and inmates; any sexual behavior between them constitutes sexual misconduct and shall subject the staff member to disciplinary action and/or to prosecution under the law.

## **EDUCATION AND TRAINING**

The San Mateo County Sheriff's Office takes the issue of PREA very seriously. In an effort to educate, inform, and prevent PREA incidents all Corrections Staff including Correctional Health, program service providers, and members of the San Mateo County Sheriff's Office, have completed 8 hours of training. This training was conducted by staff members of the Sheriff's Office, and members of Rape Trauma Services, who are certified to teach PREA in the State of California. This class emphasizes the Sheriff's Office Zero Tolerance Policy, child abuse reporting requirements, and techniques to identify and respond to sexual abuse.

### **Inmates**

Upon booking into the Maguire Correctional Facility, all inmates are required to complete a PREA risk assessment. This assessment helps identify past sexual abuse, the risk for sexual victimization, and/or the potential for abusing others. The assessment allows staff to effectively monitor and assist inmates, and to provide targeted medical and behavioral health services.

After the PREA assessment, inmates are educated on what PREA is, the jail rules, and how to report an incident. This includes teaching inmates about our Zero Tolerance Policy and the numerous avenues to report sexual victimization on behalf of themselves or others in a facility. There are posters in intake areas and in every housing unit in multiple language of the Zero Tolerance policy in accordance with PREA Standards.

Inmates are told verbally and in writing that they can make free phone calls to confidentially report any incident to facility management, Rape Trauma Services, or the Service League.

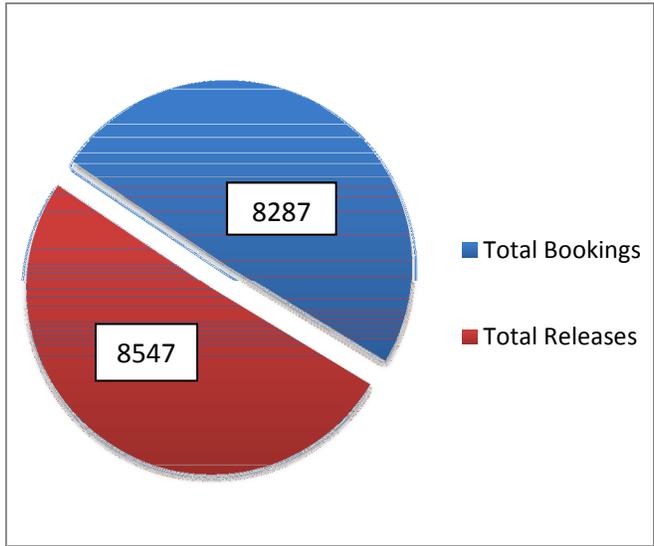
To create a way for inmates' friends and family who may not live locally to make PREA-related reports, the Sheriff's Office created an informational website (<https://www.smcsheriff.com/prea-report-sexual-misconduct>) and an email address ([sheriffs\\_prea@smcgov.org](mailto:sheriffs_prea@smcgov.org)), both of which allow for direct reports to be made.

**CORRECTIONS DIVISION POPULATION**

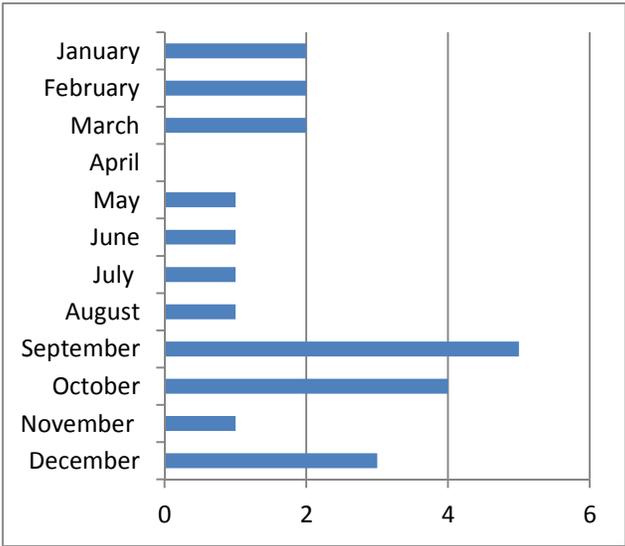
PREA mandates that certain data be reported to the public. During the 2020 calendar year, the two adult correctional centers in the County, the Maguire Correctional Facility and the Maple Street Correctional Center, processed a total of 8287 bookings and 8547 releases. As of December 31, 2020, the Maguire Correctional Facility housed 374 men and 1 woman and the Maple Street Correctional Center housed 278 men and 66 women. During the 2020 calendar year, there were a total of 2 reported incidents of sexual abuse and 9 reported incidents of sexual harassment at the Maguire Correctional Facility. At the Maple Street Correctional Center, there were 4 sexual abuse reported incidents and 9 sexual harassment reported incidents.

2020

Number of Bookings and Releases

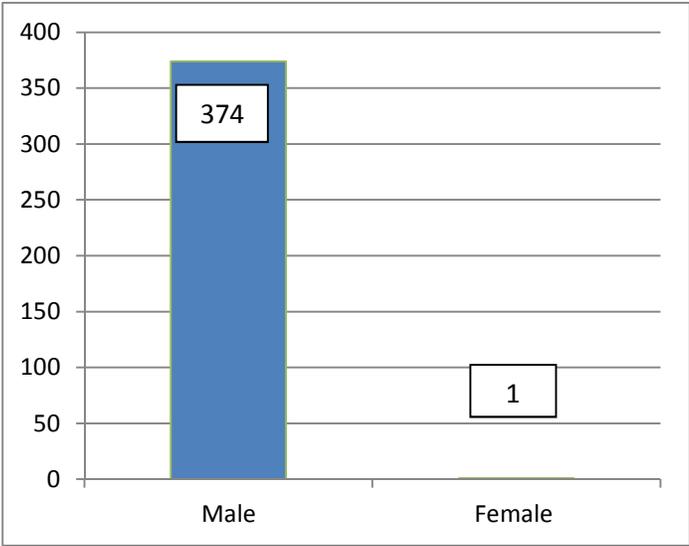


Number of PREA Reported Incidents

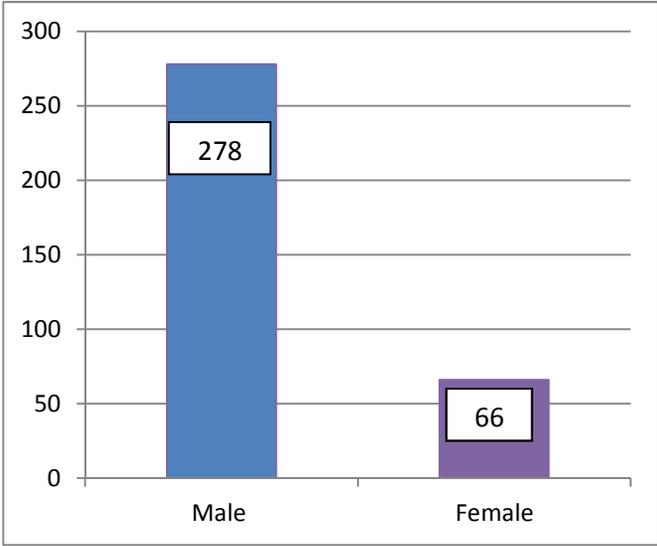


Snapshot of Population on December 31, 2020

Maguire Correctional Facility Population



Maple Street Correctional Center Population



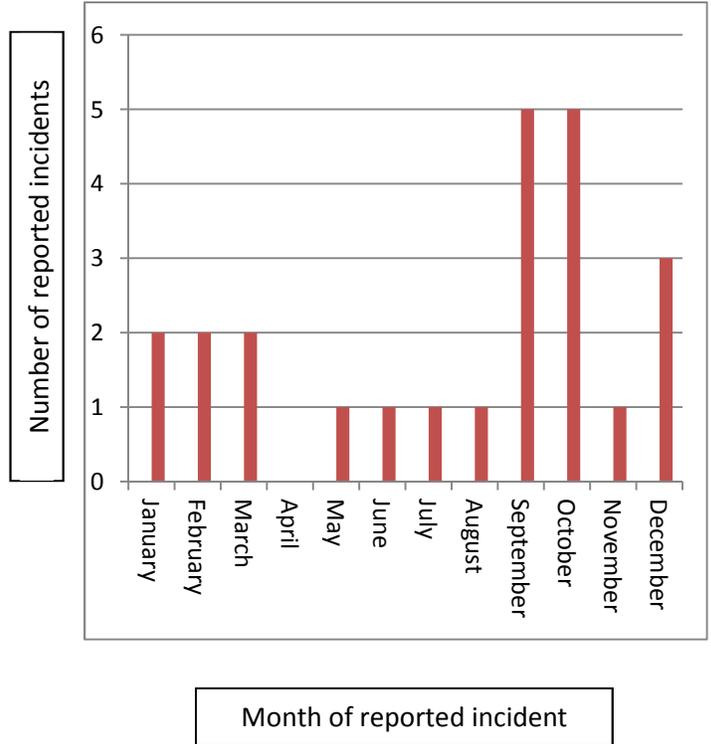
## DATA COMPARISON CATEGORIES - TERMS AND DEFINITIONS

For the purposes of this report, the below definitions provided by the Department of Justice will be used to examine and determine the number of PREA related incidents that occurred within the Maguire Correctional Facility and the Maple Street Correctional Center.

### INMATE SEXUAL CONDUCT

#### Sexual Abuse

- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuses and;
- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person;
- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;
- Contact between the mouth and the penis, vulva, anus or;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.



#### Sexual Abuse reported

- Maguire Correctional Facility: 11
  - Substantiated: 0
  - Unsubstantiated: 4
  - Unfounded: 7
- Maple Street Correctional Center: 13
  - Substantiated: 1
  - Unsubstantiated: 4
  - Unfounded: 9

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### STAFF SEXUAL MISCONDUCT

#### Staff Sexual Misconduct

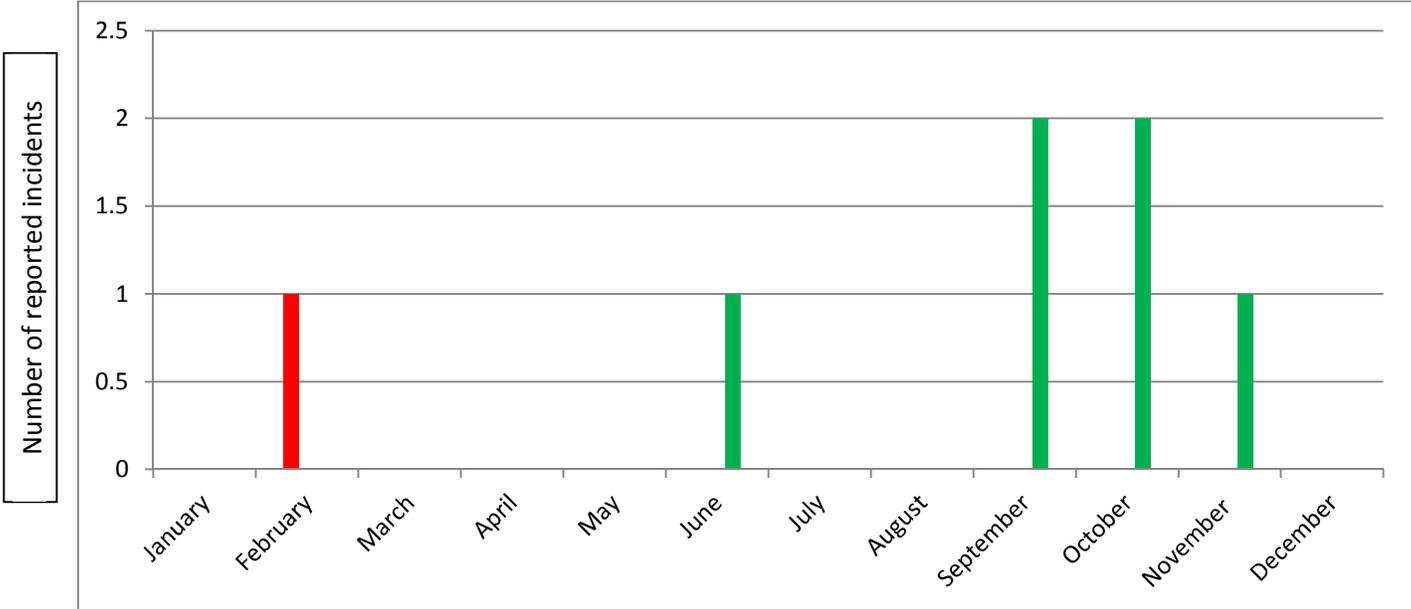
As defined by PREA, Staff Sexual Misconduct is an act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends or other visitors.) This includes sexual abuse and sexual harassment.

#### The definition includes the below:

- 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;
- Acts of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**\*Information regarding people involved has been redacted from this report.**

Reports of Staff Sexual Misconduct



Month of reported incident

**Legend**

Sustained	<span style="display: inline-block; width: 50px; height: 15px; background-color: red; vertical-align: middle;"></span>	Exonerated	<span style="display: inline-block; width: 50px; height: 15px; background-color: green; vertical-align: middle;"></span>
Unsubstantiated	<span style="display: inline-block; width: 50px; height: 15px; background-color: yellow; vertical-align: middle;"></span>	No Finding	<span style="display: inline-block; width: 50px; height: 15px; background-color: black; vertical-align: middle;"></span>

Staff Sexual Abuse Reported

- Maguire Correctional Facility: 3
- Maple Street Correctional Center: 4

There were no PREA criminal incidents that occurred. There were two reported incidents in which the reporting person was unable to remember the incident clearly to identify location, staff, or detailed information to investigate. Finally, there were eleven incidents in which staff were exonerated as a result of technology available including body worn cameras.

## 2020 Prison Rape Elimination Act (PREA) Synopsis

### 2019 Corrective actions year in review

- Lack of training prior to entry by contractors
- Need to ensure PREA education forms from intake are retained
- Lack of Inmate education after housing assignment provided
- PREA Standards awareness

### 2020 Corrective Actions Taken

- Online class in Learning Management Software to provide training and documentation with attestation forms
- New procedure established to provide documentation of education
- Random audits conducted of housing areas by Service League staff including interviews with inmates
- PREA trainings attended

### Correctional Health Staff (CHS)

All new Correctional Health Staff completed the Sheriff's Office online PREA Training for Staff and signed an acknowledgment, on their first day of employment. All Correctional Health Staff attended an eight-hour PREA class given by PREA certified instructors, and signed a declaration acknowledging their compliance with the guidelines mandated by PREA.

Upon arrival, every inmate is asked PREA questions by the intake nurse. Any reports of previous sexual assaults are provided to the Sheriff's Office classification officer, who investigates further. These intake questions have been modified three times in order to obtain the most accurate information from the inmates.

### 2021 Goals:

- All staff will be PREA trained.
- All reported incidents of sexual abuse and harassment will be accurately and timely reported to certified personnel.
- All new staff will receive PREA training prior to beginning work at a Correctional Facility.
- PREA training materials will be available on our Learning Management System (LMS).

### The Service League of San Mateo County

All Service League staff have attended an eight-hour PREA class and have signed a declaration acknowledging that they will abide by PREA's guidelines. The Service League is regularly present in both facilities and can accept inmate reports of PREA violations.

### Service League staff serve as mandated reporters in four ways:

1. Inmates can submit a PREA complaint through a Service League request form and submit it in the Service League box. This allows the inmate privacy, anonymity, and confidentiality. The boxes are locked and only opened by Service League staff.
2. Inmates can submit a PREA complaint through Smart Jail Mail which is included on tablets provided to inmates.
3. Inmates can call the Service League PREA hotline directly from the jail.
4. Inmates can report to a Service League representative in person.

### 2021 Goals:

- All Service League volunteers and staff will be PREA trained during the initial badging and renewal process.
- Train all new employees before they begin working.
- Conduct random audit interviews with inmates on a monthly basis through ZOOM.
- Report all PREA cases in a timely manner.

### Sheriff's Office Program Services Bureau

All new Program Services staff view a PREA PowerPoint presentation and sign an acknowledgment prior to any inmate contact. All Program Services staff have attended an eight-hour PREA class given by PREA instructors and have signed a declaration acknowledging their compliance with the guidelines mandated by PREA.

Contractors who provide inmate services view a PREA PowerPoint presentation and sign and acknowledgement prior to the commencement of their class and/or contact with inmates. Service providers attend a one-hour PREA class given by PREA instructors, and sign a declaration acknowledging their compliance with guidelines mandated by PREA. All other service providers have completed the PREA online training class.

#### 2021 Goals:

- To have all Program Services staff continue to be PREA trained.
- To have all Service Providers PREA trained.
- To accurately and timely report any and all PREA reports to certified personnel.
- To have all new Program Staff trained prior to any inmate contact.
- To have the PREA training material available via video to allow for online training.

### Rape Trauma Services (RTS)

Rape Trauma Services: A Center for Healing and Violence Prevention (RTS) is the Rape Crisis Center for San Mateo County. RTS's Mission is to eliminate all forms of violence, with a special focus on sexual assault and abuse. The RTS PREA team is proud to collaborate with the San Mateo County Sheriff's Office to provide crisis intervention, advocacy and accompaniment services to people who are incarcerated.

Services and statistics for 2020 were greatly impacted by COVID-19 and the Shelter in Place orders. From January-March, RTS offered a 24-hour crisis line, in-person follow-up crisis intervention and in-person advocacy and accompaniment to medical-legal exams and law enforcement interviews. The world changed on March 14th; so did RTS's PREA services. Our 24-hour crisis line continued to operate, as did RTS's participation in weekly Multidisciplinary Team (MDT) meetings.

Between January 1, 2020 to November 30th, 2020, RTS provided the following:

- A Sexual Assault Counselor provided crisis intervention to 19 incarcerated survivors during 31 calls to the 24-hour crisis line.
- RTS offered follow-up crisis intervention to 38 survivors identified as survivors during intake. 24 survivors were released from custody before RTS could meet with them, (within 48 hours). 8 incarcerated individuals accepted crisis intervention with a Sexual Assault Counselor before Shelter-in-Place orders.

RTS continues to be an active participant in weekly MDT meetings to provide a victim-centered lens for PREA reports. RTS sought out COVID-19 funds to provide a trauma-informed library to help survivors learn regulation skills and provide support until our in-person services can re-start in both the Maguire and Maple Street Correctional facilities.

RTS is unsure of the timeline to expand services in 2021. As Shelter-in-Place orders are extended, RTS is collaborating with the PREA Coordinator to share grounding and regulation skills through the tablets available to people who are incarcerated. As soon as Public Health allows, we will work together to move forward our intention to provide additional follow-ups to survivors who seek RTS services.

### FUTURE

The Sheriff's Office will continue to thoroughly investigate all PREA reports, implement best practices for PREA compliance, and work with our partner agencies to make sure all inmates are protected. Robust PREA training and enforcement will allow us to build a safer environment for inmates, staff, and visitors.

**2021**

- Update training, policy, procedures, and best practices while working with other law enforcement agencies to develop a “benchmark” for implementation of PREA Standards.
- Development of staff certified by DOJ to become PREA Auditors.

**2022**

- Continued education for the PREA Administrator and Corrections Captains on best practices.
- Implement random audits of the facility and inmate education by members of Service League.

\*Information available at the time of the report