



**SHERIFF**

**CHRISTINA CORPUS**

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**PRISON RAPE ELIMINATION ACT**  
**2022 REPORT**  
**FOR THE**  
**FOLLOWING FACILITIES:**

**BRENDAN P. MAGUIRE**  
CORRECTIONAL FACILITY  
300 BRADFORD STREET  
REDWOOD CITY, CA

**MAPLE STREET**  
CORRECTIONAL CENTER  
1300 MAPLE STREET  
REDWOOD CITY, CA

Reporting period: 01/01/22-12/31/22 Issued: January 2023

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## BACKGROUND

The Prison Rape Elimination Act (PREA) was 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*, are codified in Title 28 of the Code of Federal Regulations (CFR) and became effective on August 20, 2012.

## PREA STANDARDS OVERVIEW

The PREA Standards are available online to the public free of charge at [prearesourcecenter.org](http://prearesourcecenter.org). The PREA Standards contain universal definitions, which are utilized in the reporting, recording, and tracking of PREA reportable incidents.

## U.S. DEPARTMENT OF JUSTICE SURVEY OF SEXUAL VICTIMIZATION

The United States Department of Justice (US DOJ) gathers information regarding sexual victimization in correctional facilities as part of the larger Survey of Sexual Victimization (SSV). The information gathered by the US DOJ in the SSV is required to be maintained by agencies (28 CFR 115.87(c)). Therefore, definitions of terms both as defined by PREA (28 CFR et. al.) and the US DOJ SSV are listed later in this report.

## 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 Office will not tolerate any form of sexual misconduct. This includes any sexually inappropriate behavior between staff, contractors, volunteers, and incarcerated persons, and any sexual activity between incarcerated persons regardless of consent. All such sexually inappropriate behavior is prohibited and may be 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 to work in conjunction with a PREA Manager at both adult correctional facilities to ensure compliance.

## PREA DEFINITIONS

### Sexual Abuse

Sexual abuse includes sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) 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;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) 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, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions. *(This definition is inclusive of the SSV definitions of Nonconsensual Sexual Acts and Abusive Sexual Contact.)*

## **Sexual Harassment by an Offender**

Sexual harassment includes:

- (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.

*(This definition is similar to the SSV definition of Sexual Harassment.)*

## **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 incarcerated persons; any sexual behavior between them constitutes sexual misconduct and shall subject the staff member to disciplinary action and/or to prosecution under the law.

## **US DOJ SPECIFIC SSV 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. EXCLUDES incidents in which the contact was incidental to a physical altercation. *(This definition differs from the PREA definition of Sexual Abuse mainly in that it distinguishes between touching and penetration. Abusive Sexual Contact, as defined by the SSV, includes touching but not penetration.)*

### **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 anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument. *(This definition differs from the PREA definition of Sexual Abuse mainly in that it distinguishes between touching and penetration. Nonconsensual Sexual Acts, as defined by the SSV, includes penetration, however slight.)*

### **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.

## 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.

## INCARCERATED PERSONS

Upon booking into the Maguire Correctional Facility, all incarcerated persons 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 incarcerated persons, and to provide targeted medical and behavioral health services.

After the PREA assessment, incarcerated persons are educated on what PREA is, the jail rules, and how to report an incident. This includes teaching incarcerated persons 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 languages informing incarcerated persons of the Zero Tolerance policy in accordance with PREA Standards.

Incarcerated persons are advised 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 incarcerated persons' 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.

## STATISTICAL INFORMATION

*PREA mandates that certain data be reported to the public. The following information is in accordance with the US DOJ SSV and PREA requirements. The information for previous years is provided for context. It should be noted that outside events likely affected this data, such as the COVID-19 pandemic.*

Number of persons under the supervision of our jurisdiction:

CONFINED in our jail facilities on December 31, 2022? (SSV Q#1a)

Maple Street Correctional Center		
	CY2021	CY2022
<b>Male</b>	343	452
<b>Female</b>	82	91

Brendan P. Maguire Correctional Facility		
	CY2021	CY2022
<b>Male</b>	394	438
<b>Female</b>	4	0

ADMITTED to your jail facilities during 2022? (SSV Q#1b)

Maple Street Correctional Center		
	CY2021	CY2022
<b>Male</b>	860	1483
<b>Female</b>	613	875

Brendan P. Maguire Correctional Facility		
	CY2021	CY2022
<b>Male</b>	6469	7565
<b>Female</b>	903	1026

Between January 1, 2022, and December 31, 2022, the average daily population of all jail confinement facilities? (SSV Q#2)

Maple Street Correctional Center		
	CY2021	CY2022
<b>Male</b>	307	400
<b>Female</b>	65	94

Brendan P. Maguire Correctional Facility		
	CY2021	CY2022
<b>Male</b>	368	461
<b>Female</b>	4	4

Between January 1, 2022 and December 31, 2022, how many allegations of inmate-on-inmate NONCONSENSUAL SEXUAL ACTS were reported? (SSV Q#4)

Maple Street Correctional Center	
<b>CY2021</b>	2
<b>CY2022</b>	7

Brendan P. Maguire Correctional Facility	
<b>CY2021</b>	4
<b>CY2022</b>	3

Of the allegations reported in Item 4 of the SSV, how many were (SSV Q#5a-e):

<b>Disposition</b>	<b>CY2021</b>	<b>CY2022</b>
<b>Maple Street Correctional Center</b>		
Substantiated	1	0
Unsubstantiated	0	0
Unfounded	1	7
Investigation ongoing	0	0
<b>TOTAL</b>	<b>2</b>	<b>7</b>
<b>Maguire Correctional Facility</b>		
Substantiated	0	1
Unsubstantiated	0	0
Unfounded	4	2
Investigation ongoing	0	0
<b>TOTAL</b>	<b>4</b>	<b>3</b>

The San Mateo Sheriff's Office records all allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT and they are counted separately from allegations of NONCONSENSUAL SEXUAL ACTS (SSV Q#6).

Allegations of inmate-on-inmate ABUSIVE SEXUAL CONTACT reported Between January 1, 2022, and December 31, 2022? (SSV Q#7):

<b>Maple Street Correctional Center</b>	
<b>CY2021</b>	<b>CY2022</b>
1	6

<b>Maguire Correctional Facility</b>	
<b>CY2021</b>	<b>CY2022</b>
0	2

Of the allegations reported in Item 7 of the SSV, how many were (SSV Q#8a-e):

<b>Disposition</b>	<b>CY2021</b>	<b>CY2022</b>
<b>Maple Street Correctional Center</b>		
Substantiated	0	1
Unsubstantiated	0	1
Unfounded	1	4
Investigation ongoing	0	0
<b>TOTAL</b>	<b>1</b>	<b>6</b>
<b>Maguire Correctional Facility</b>		
Substantiated	0	1
Unsubstantiated	0	1
Unfounded	0	0
Investigation ongoing	0	0
<b>TOTAL</b>	<b>0</b>	<b>2</b>

The San Mateo Sheriff's Office records all allegations of inmate-on-inmate SEXUAL HARASSMENT (SSV Q#9).

Between January 1, 2020, and December 31, 2020, how many allegations of inmate-on-inmate SEXUAL HARASSMENT were reported? (SSV Q#10)

<b>Maple Street Correctional Center</b>	
<b>CY2021</b>	<b>CY2022</b>
4	4

<b>Maguire Correctional Facility</b>	
<b>CY2021</b>	<b>CY2022</b>
3	1

Of the allegations reported in Item 10 of the SSV, how many were (SSV Q#11a-e):

<b>Disposition</b>	<b>CY2021</b>	<b>CY2022</b>
<b>Maple Street Correctional Center</b>		
Substantiated	2	0
Unsubstantiated	2	2
Unfounded	0	2
Investigation ongoing	0	0
<b>TOTAL</b>	<b>4</b>	<b>4</b>
<b>Maguire Correctional Facility</b>		
Substantiated	0	1
Unsubstantiated	0	0
Unfounded	3	0
Investigation ongoing	0	0
<b>TOTAL</b>	<b>3</b>	<b>1</b>

The San Mateo Sheriff's Office records all allegations of STAFF SEXUAL MISCONDUCT (SSV Q#12).

Between January 1, 2022, and December 31, 2022, how many allegations of STAFF SEXUAL MISCONDUCT reported (SSV Q#13):

<b>Maple Street Correctional Center</b>	
<b>CY2021</b>	<b>CY2022</b>
7	9

<b>Maguire Correctional Facility</b>	
<b>CY2021</b>	<b>CY2022</b>
4	8



Of the allegations reported in Item 13 of the SSV, how many were (SSV Q#14):

Disposition	CY2021	CY2022
<b>Maple Street Correctional Center</b>		
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	7	9
Investigation ongoing	0	0
<b>TOTAL</b>	<b>7</b>	<b>9</b>
<b>Maguire Correctional Facility</b>		
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	4	8
Investigation ongoing	0	0
<b>TOTAL</b>	<b>4</b>	<b>8</b>

The San Mateo Sheriff's Office records all allegations of STAFF SEXUAL HARASSMENT (SSV Q#15).

Between January 1, 2022, and December 31, 2022, how many allegations of STAFF SEXUAL HARASSMENT were reported (SSV Q#16)?

<b>Maple Street Correctional Center</b>	
CY2021	CY2022
1	1

<b>Maguire Correctional Facility</b>	
CY2021	CY2022
0	1

Of the allegations reported in Item 16 of the SSV, how many were (SSV Q#17a-e):

Disposition	CY2021	CY2022
<b>Maple Street Correctional Center</b>		
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	1	1
Investigation ongoing	0	0
<b>TOTAL</b>	<b>1</b>	<b>1</b>
<b>Maguire Correctional Facility</b>		
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	1
Investigation ongoing	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>

What is the total number of substantiated incidents (SSV Q#18):

SSV Q#		CY2021	CY2022
<b>Maple Street Correctional Center</b>			
<b>5a</b>	<b>Nonconsensual Sexual Acts</b>	1	0
<b>8a</b>	<b>Abusive Sexual Contact</b>	0	1
<b>11a</b>	<b>Sexual Harassment</b>	2	0
<b>14a</b>	<b>Staff Sexual Misconduct</b>	0	0
<b>17a</b>	<b>Staff Sexual Harassment</b>	0	0
<b>Maguire Correctional Center</b>			
<b>5a</b>	<b>Nonconsensual Sexual Acts</b>	0	1
<b>8a</b>	<b>Abusive Sexual Contact</b>	0	1
<b>11a</b>	<b>Sexual Harassment</b>	0	1
<b>14a</b>	<b>Staff Sexual Misconduct</b>	0	0
<b>17a</b>	<b>Staff Sexual Harassment</b>	0	0

## EVALUATION

### Identified Problem Areas

MSCC: The documented incident at MSCC was momentary and occurred while the incarcerated person had unmanaged mental health issues. There does not appear to be any identifiable issue that, if addressed, could have prevented the incident.

MCF: The documented incidents at MCF were non-violent and brief, having no common factors. The best prevention is for housing staff to continue random safety and security checks with encouraging productive communication with our incarcerated persons.

### Corrective Action(s) Taken

None at this time.

### Corrective Action(s) Planned

None at this time.

## FUTURE

The Sheriff's Office will continue to monitor incidents to identify trends or possible ways to mitigate sexual violence and ensure a safe environment for incarcerated persons.

The Sheriff's Office will also initiate periodic, internal audits to ensure compliance with PREA standards on a continual basis.

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 incarcerated persons are protected. Robust PREA training and enforcement will allow us to build a safer environment for incarcerated persons, staff, and visitors.