

SAN MATEO COUNTY SHERIFF'S OFFICE



PRISON RAPE ELIMINATION ACT

ANNUAL REPORT 2018

BRENDAN MAGUIRE
CORRECTIONAL FACILITY
500 BRADFORD STREET
REDWOOD CITY, CALIFORNIA

MAPLE STREET
CORRECTIONAL CENTER
1300 MAPLE STREET
REDWOOD CITY, CALIFORNIA

INFORMATION SUPPLIED BY

- **San Mateo County Correctional Health**
- **San Mateo County Rape Trauma Services**
- **San Mateo County Sheriff's Office Criminal Records**
- **San Mateo County Sheriff's Office Program 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. The Commission developed national standards for all adult and juvenile correctional facilities.

In June 2009, they were finalized and submitted to the Office of Justice for review and passage. The *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.

Full compliance with a PREA audit is very challenging as there are approximately 180 separate provisions within the standards. Each provision can contain multiple requirements and extensive documentation. The most substantial requirement is that the 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 for inmates 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 inappropriate behavior between staff, contractors, or volunteers with our youth; or any sexual activity between youth regardless of consent status. All the above examples are prohibited and are subject to administrative and/or criminal sanctions.

To assist with PREA and the Zero Tolerance Policy, a PREA Coordinator is responsible for the development, implementation and oversight of efforts to comply with PREA standards. The Office has also designated a PREA Administrator at both Correctional Facilities. The Administrators are responsible for assuring that efforts are adhered to in their respective facility.

SAN MATEO COUNTY DEFINITIONS

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.

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 offenders; 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. All Corrections Staff including Correctional Health, program service providers, and members of the San Mateo County Sheriff's Office have completed eight 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 Zero Tolerance Policy, child abuse reporting requirements, and techniques to identify and respond to sexual abuse.

Inmates

Upon admission to the Maguire Correctional Facility, everyone is required to take a PREA risk assessment. This assessment helps to identify sexual abuse, the risk for sexual victimization, and/or the potential for abusing. The results allow staff to effectively monitor, assist, and 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 available to report sexual victimization for themselves or on behalf of others in a facility. There are posters in every housing unit, and at intake in several languages which state the Sheriff's Office commitment to Zero Tolerance of harassment, or PREA related incidents.

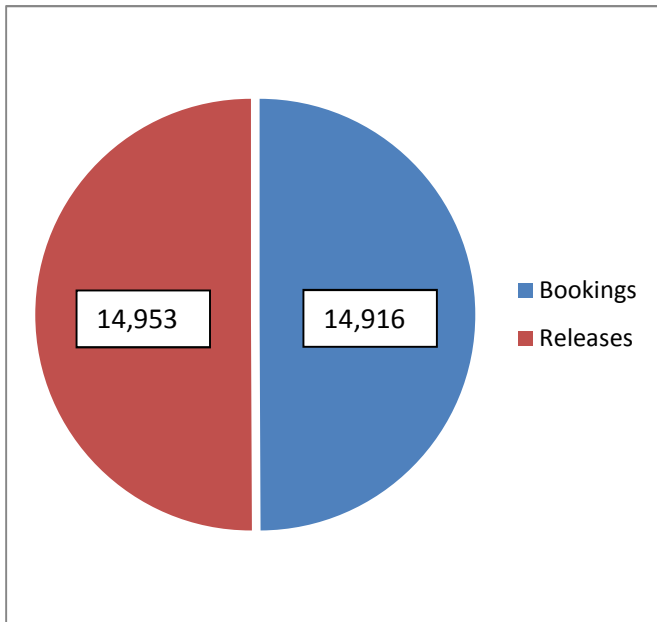
Inmates are made aware of three different free telephone calls that can be made from any telephone within any Correctional Facility. This includes a reporting mechanism to confidentially report incidents to facility management, [San Mateo County Rape Trauma Services](#), or the [San Mateo County Service League](#).

In an effort to allow family members and friends who do not live in the area an additional means to report an incident an email address was established (sheriffs_prea@smcgov.org) and a webpage created (<https://www.smcsheriff.com/prea-report-sexual-misconduct>).

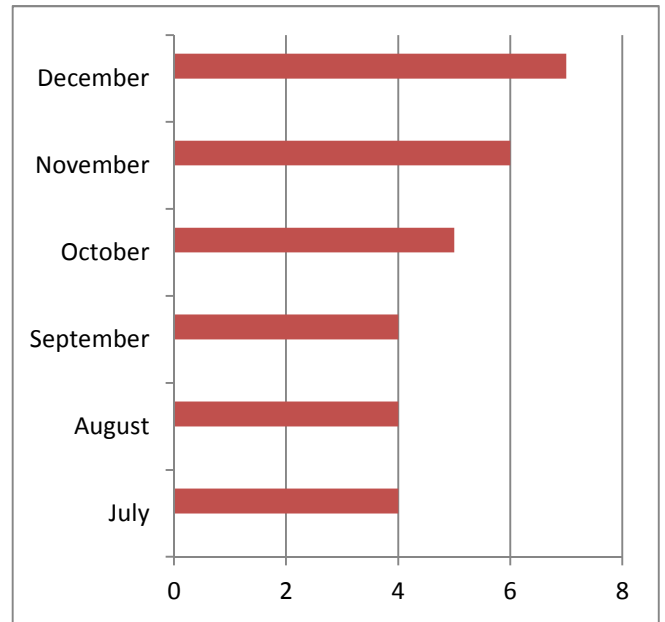
CORRECTIONS BUREAU POPULATION

To ensure transparency, PREA mandates that specific aggregated data be reported to the public. As such, the chart below reflects the number of inmates admitted to and released from our facilities in 2018. Also reflected are population totals and gender breakdowns for both facilities as of December 31, 2018.

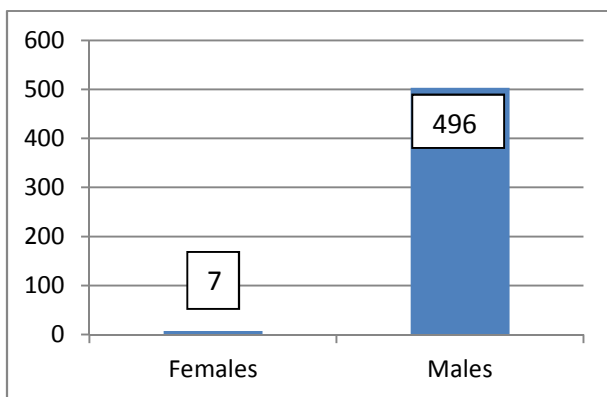
Number of Bookings and Releases



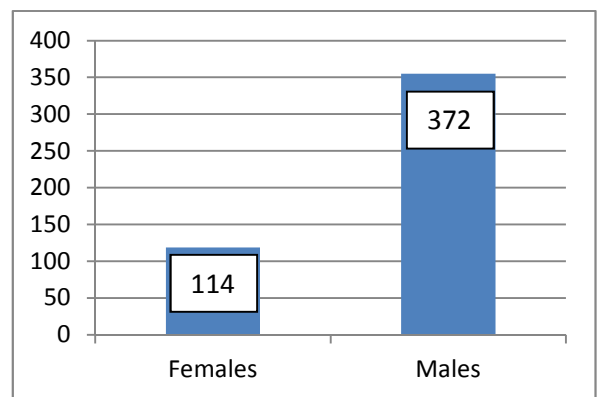
Number of PREA Reported Incidents



Maguire Correctional Facility



Maple Street Correctional Center



DATA COMPARISON CATEGORIES - TERMS AND DEFINITIONS

For the purposes of this report, the below definitions provided by the Office of Justice will be used to examine and determine the number of PREA related incidents that occurred within San Mateo County Sheriff's Office correctional facilities.

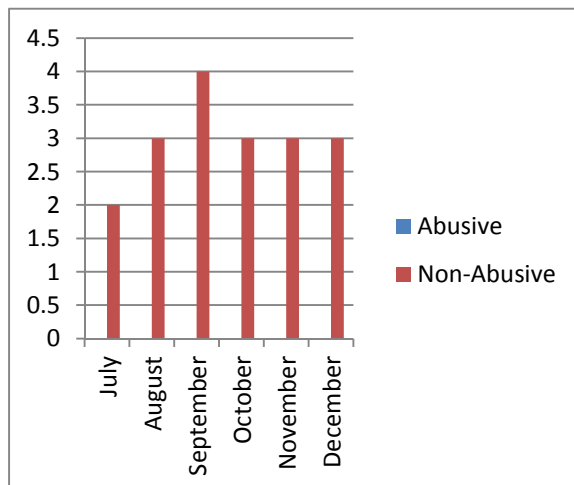
INMATE SEXUAL CONDUCT

Abusive Sexual Contact

- 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.

Non-Abusive

- Sexual contact of an inmate by an inmate with his or her consent;
- Sexual harassment consisting of statements, actions, or events which offend others;



STAFF SEXUAL CONDUCT

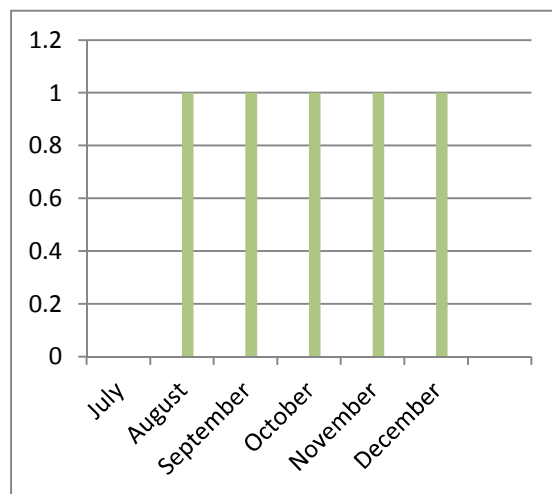
Staff Sexual Misconduct

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 (excludes family, friends, or other visitors.)

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.

Reports of Staff Sexual Misconduct



All reports of Staff Sexual Misconduct were found exonerated. Even though there were zero incidents of Staff Sexual Misconduct, the Sheriff's Office cannot afford to be complacent in its PREA related efforts to detect and deter such incidents. The Office will continue to promote and enforce a zero-tolerance culture.

2018 Prison Rape Elimination Act (PREA) Synopsis

Correctional Health Staff

All new CHS staff are required to view a PREA information power point presentation and sign an acknowledgment on their first day of employment. All CHS staff attended an eight-hour PREA class provided by PREA instructors, and signed a declaration acknowledging their compliance with the guidelines mandated by PREA.

Upon arrival, every inmate is asked the PREA questions by the intake nurse. All positive answers are given to the Sheriff's Office Classification Officer, who will investigate further. These intake questions have been modified over time to obtain the most accurate information from the inmates.

2019 Goals:

- 1) To have all CHS staff continue PREA trained.
- 2) To accurately & timely report any and all PREA cases to certified personnel.
- 3) To have all new staff PREA trained within 30 days of their hire date.
- 4) To have the PREA training material available on our LMS system, so that the staff can take the training on-line.

Service League

All current Service League staff have attended an eight-hour PREA class provided by PREA instructors and have signed a declaration acknowledging their agreement with the guidelines mandated by PREA. The Service League is regularly present in both facilities and allows inmates to easily report PREA violations.

Service League staff serve as mandated reporters in three different 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. Service League boxes are checked daily.
- 2) Inmates can call our PREA hotline directly from the jail.
- 3) Inmates can report to a Service League representative in person.

2019 Goals:

- 1) To get all Service League volunteers PREA trained during the initial badging and renewal process.
 - 2) To get PREA training materials for new hires.
 - 3) To report all PREA cases in a timely manner.
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Program Services

All new Program Services staff have to view a PREA information power point presentation and sign an acknowledgment on their first day of employment. All Program Services staff attended an eight-hour PREA class provided by PREA instructors, and signed a declaration acknowledging their compliance with the guidelines mandated by PREA.

Service Providers who are contracted to provide services to inmates are required to view a PREA information power point presentation and sign an acknowledgement, prior to the commencement of their class and/or contact with inmates. 40 service providers attended a one-hour PREA class given by PREA instructors, and signed a declaration acknowledging their compliance with guidelines mandated by PREA.

2019 Goals:

- 1) To have all Program Services staff PREA trained.
- 2) To accurately and timely report any and all PREA reports to certified personnel.
- 3) To have all new Program Staff trained prior to commencement of employment.
- 4) To have the PREA training material available via video to allow for on-line training

Rape Trauma Services

San Mateo County Rape Trauma Services is the Rape Crisis Center for San Mateo County. Their mission is to serve survivors and collaborate with the San Mateo County Sheriff's Office to provide the following services to incarcerated people:

Co-facilitated PREA trainings with San Mateo County Sheriff's Office staff for Corrections.

- 94 calls were received via the RTS PREA Hotline
- 201 requests for follow-up crisis intervention
- 22 inmates received crisis intervention from a Sexual Assault Counselor

In 2019, RTS seeks to offer ongoing crisis intervention to survivors identified through law enforcement reporting within the facility, accompaniment to the Keller Center for medical-legal exams, and to increase their partnership with forensic mental health to provide trauma-informed healing groups within the facilities.

FUTURE

Our plan for the future is to continue to establish best practices, perform critical review of past incidents, and develop a cohesive system for the Sheriff's Office. We will continue to develop the PREA program to be inclusive and review other organizations policies and procedures in an effort to improve. This will allow us to build a safer environment for inmates, staff, and visitors.

2019-Phase 2

- Implementation of Learning Management Software for new hire orientation, and annual training including reporting requirements, including how to report.
- Training for the PREA Administrator to understand the roles and responsibilities of the position to follow Federal law.
- Conduct a PREA audit to establish best practices at both facilities.

2020-Phase 3

- Develop an internal PREA auditor in conjunction with neighboring counties to reduce the cost of external audits.
 - Conduct a PREA audit to review best practices and review changes implemented from previous audit(s).
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